

SUPERIOR LUMBER CO.,)	AGBCA No. 2000-159-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

November 16, 2000

Before HOURY, POLLACK, and VERGILIO Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On July 13, 2000, the Board received this appeal filed by Superior Lumber Co. of Glendale, Oregon, the purchaser under a contract, No. 084971, to cut and remove timber from the Gifford Pinchot National Forest, Cowlitz Valley Ranger District, Washington. The respondent is the U. S. Department of Agriculture, Forest Service (Government). The purchaser brought the underlying claim pursuant to contract provision CT6.25, Protection of Habitat of Endangered, Threatened, and Sensitive Species (1/93), seeking \$122,360.19 after a suspension of operations. The contracting officer granted \$6,823.68, and denied the remainder. The purchaser filed this appeal of that contracting officer's decision.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended. Prior to convening the initial telephone conference to discuss the appeal and processing of this case, the purchaser informed the Board that the parties had settled the dispute and were formalizing the agreement. By letter dated November 9, 2000, the

purchaser informed the Board that the parties have executed a formal settlement agreement; it seeks a dismissal with prejudice of the appeal.

DECISION

The Board dismisses with prejudice the appeal.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

EDWARD HOURY

Administrative Judge

HOWARD A. POLLACK

Administrative Judge

Issued at Washington, D.C.

November 16, 2000