

WEEKLY BROS., INC.,)	AGBCA No. 2001-145-3
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

August 16, 2001

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge HOURY.

This appeal arose under Contract No. 50-0M008-26C between the Forest Service, U. S. Department of Agriculture, and Weekly Bros., Inc., of Idleyld Park, Oregon. The contract was for flood repair in the Siskiyou National Forest in Oregon. The work, including clearing and grubbing operations, was the subject of Appellant's claim to the Contracting Officer (CO).

As a result of a mathematical error, the contract schedule indicated that there would be 3.2 hectares of clearing and grubbing when in fact there were only .32 hectares.¹ Appellant was paid based upon .32 hectares, even though the unit of measure was for a design quantity, as opposed to an estimated quantity. Appellant's position was that if the actual quantity was larger than the design quantity, the Government would only pay for the design quantity.

¹ A hectare is a metric unit of measure. One acre equal .405 hectares.

By letter dated March 19, 2001, the CO denied Appellant's claim. Appellant filed a timely appeal. The Board has jurisdiction under the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613. Appellant elected the Board's Accelerated Procedure, 7 CFR 24.21, Rule 12.3, requiring a decision within 180 days of the election, if possible.

After the Board docketed the appeal and established the schedule for processing the appeal, the Board was advised that the parties had settled the appeal, and that the appeal should be dismissed.

DECISION

The appeal is dismissed with prejudice.

EDWARD HOURY
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
August 16, 2001