



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: August 2, 2007

CBCA 838(377)-REIN, 839(378)-REIN, 840(379)-REIN,
841(380)-REIN, 842(381)-REIN, 843(382)-REIN, 844(383)-REIN,
845(384)-REIN, 846(574)-REIN, 847(575)-REIN

BILL McGOWAN, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Bill McGowan, Jr., President of Bill McGowan, Inc., Covington, LA, appearing for Appellant.

Stacey North Willis, Charlma J. Quarles, and Phillipa L. Anderson, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **HYATT**, **DeGRAFF**, and **SHERIDAN**.

SHERIDAN, Board Judge.

On June 20, 2007, the Board received from the parties a joint motion for judgment on stipulated settlement in the appeals of Bill McGowan, Inc., CBCA 838(377)-REIN, 839(378)-REIN, 840(379)-REIN, 841(380)-REIN, 842(381)-REIN, 843(382)-REIN, 844(383)-REIN, 845(384)-REIN, 846(574)-REIN, and 847(575)-REIN. The motion encloses a stipulated settlement agreement executed on May 4, 14, and 17, 2007, by the parties concerning these appeals. The parties recite that they have amicably resolved the disputes that are the subject of these appeals and jointly move that the Board enter judgment

CBCA 838(377)-REIN, 839(378)-REIN, 840(379)-REIN, 841(380)-REIN, 842(381)-REIN, 843(382)-REIN, 844(383)-REIN, 845(384)-REIN, 846(574)-REIN, 847(575)-REIN 2

in favor of Bill McGowan, Inc. pursuant to the terms of the settlement agreement, which provides as follows:

1. Respondent agrees to pay appellant the sum of \$80,506 plus Contract Disputes Act interest [41 U.S.C. § 611 (2000)] on \$28,671 (see paragraph 2 for terms) as full and complete compensation for all costs, direct and indirect including but not limited to any attorney's fees associated with CBCA 377, 378, 379, 380, 381, 382, 383, 384, 574, and 575.
2. Contract Disputes Act interest will be paid for the following amounts from the referenced dates:
 - a. interest on \$7,856 from February 14, 2004;
 - b. interest on \$12,716 from February 18, 2004;
 - c. interest on \$7,519 from June 6, 2006; and
 - d. interest on \$580 from August 16, 2006.

Appellant has waived any right it may have to make any claim for recovery of attorney fees and expenses under the Equal Access to Justice Act, 5 U.S.C. § 504 (2000). The parties have both expressly agreed pursuant to Board Rule 25(b) that they will not seek reconsideration of, or relief from, the Board's decision and that they will not appeal the Board's decision.

Decision

Inasmuch as the parties have stipulated the equitable adjustment due Bill McGowan, Inc. in CBCA 838(377)-REIN, 839(378)-REIN, 840(379)-REIN, 841(380)-REIN, 842(381)-REIN, 843(382)-REIN, 844(383)-REIN, 845(384)-REIN, 846(574)-REIN, and 847(575)-REIN, these appeals are **GRANTED IN PART**. In accordance with the parties' joint motion for judgment on stipulated settlement, the appellant, Bill McGowan, Inc., is found entitled to the amount of \$80,506, plus Contract Disputes Act (CDA) interest on \$28,671 of the \$80,506, to be paid from the permanent indefinite judgment fund. Rule 25(b); 31 U.S.C. § 1304 (2000). The interest on the \$28,671 is to be paid as follows: CDA interest on \$7856

CBCA 838(377)-REIN, 839(378)-REIN, 840(379)-REIN, 841(380)-REIN, 842(381)-REIN, 843(382)-REIN, 844(383)-REIN, 845(384)-REIN, 846(574)-REIN, 847(575)-REIN 3

from February 14, 2004, CDA interest on \$12,716 from February 18, 2004, CDA interest on \$7519 from June 6, 2006; and CDA interest on \$580 from August 16, 2006.

PATRICIA J. SHERIDAN
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

MARTHA H. DeGRAFF
Board Judge

CBCA 838(377)-REIN, 839(378)-REIN, 840(379)-REIN, 841(380)-REIN, 842(381)-REIN,
843(382)-REIN, 844(383)-REIN, 845(384)-REIN, 846(574)-REIN, 847(575)-REIN 4