



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: February 24, 2009

CBCA 1201

CATEL, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

James S. DelSordo of Argus Legal, L.L.C., Manassas, VA, counsel for Appellant.

Peter Kraemer, Charlma Quarles, and Phillipa L. Anderson, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **GILMORE**, **POLLACK**, and **DRUMMOND**.

GILMORE, Board Judge.

On August 1, 2004, an indefinite delivery/indefinite quantity contract was awarded to Catel, Inc. (Catel) by the Department of Veterans Affairs (VA). By letters dated November 21, 2007, and March 24, 2008, Catel submitted a claim in the amount of \$76,940.90 to the contracting officer (CO) and requested a final decision. On May 27, 2008, Catel filed a notice of appeal with the Board under the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (2006), stating that its claim should be “deemed denied” because it had not timely received a final decision from the CO.

Catel and VA have now filed a joint motion for a stipulated judgment. The parties request that judgment in the amount of \$24,273.29, inclusive of all interest, be entered in favor of appellant, Catel. The parties stipulated that they shall not seek review or reconsideration of the judgment. With respect to the decision, the parties waive their rights to reconsideration, to relief from judgment, and to appeal the decision.

Decision

The appeal is **GRANTED IN PART**. The Board awards the sum of \$24,273.29 inclusive of all interest, to Catel, Inc. Payment shall be made from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2006).

BERYL S. GILMORE
Board Judge

We concur:

HOWARD A. POLLACK
Board Judge

JEROME M. DRUMMOND
Board Judge