



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: May 12, 2009

CBCA 1372

SINGLETON ENTERPRISES,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Wayne Singleton, Owner of Singleton Enterprises, Luthersville, GA, appearing for Appellant.

Harriet M. Deal, Office of the Regional Solicitor, Department of the Interior, Atlanta, GA, counsel for Respondent.

POLLACK, Board Judge.

ORDER

Appellant, Singleton Enterprises, submitted a claim involving installation of shutters at the Cameron Prairie National Wildlife Refuge. On July 16, 2008, the Fish and Wildlife Service issued a contracting officer's decision allowing in part and denying in part the claim. Partial payment was thereafter made. Appellant appealed the denied portion of the decision. Thereafter, the parties engaged in settlement discussions.

Under cover of May 6, 2009, the parties filed with the Board a Joint Motion for Entry of Settlement Agreement and Judgment, and Appellant's Motion for Dismissal with Prejudice. The parties request that the Board issue an order entering the settlement agreement on the record and incorporating the agreement into the Board order, granting a consent judgment to appellant for \$6171.39 (said sum to be subject to additional interest under the Contract Disputes Act, 41 U.S.C. §§ 601-613 (2006) depending upon payment dates, as set out in settlement agreement). The parties attached to the joint motion a Release and Settlement Agreement, signed by the parties on May 4 and 5, 2009, respectively. That Release and Settlement Agreement is incorporated by reference into this dismissal order. Therein, the Government agrees to pay appellant \$6171.39 in settlement of the claim, and in return for the payment, appellant agrees to a dismissal with prejudice from the Board.

In accordance with the parties having agreed to settle as set forth in the incorporated Release and Settlement Agreement, the appeal is **DISMISSED WITH PREJUDICE**.

HOWARD A. POLLACK
Board Judge