



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: March 4, 2014

CBCA 3431

J. E. HURLEY CONSTRUCTION, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Scott J. Mikulecky of Sherman & Howard, L.L.C., Colorado Springs, CO; and John A. Bachmann of John A. Bachmann, P.C., Littleton, CO, counsel for Appellant.

L. Benjamin Young, Office of the General Counsel, Department of Agriculture, Washington, DC; and Daniel B. Rosenbluth, Office of General Counsel, Department of Agriculture, Denver, CO, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

The Department of Agriculture's Forest Service contracted with J. E. Hurley Construction, Inc. for road and bridge construction in the San Juan National Forest in Colorado. The contractor claimed entitlement to an equitable adjustment of \$220,178 to the contract price, to compensate for additional excavation, embankment, and caisson work, and for costs associated with delays to the project. The contracting officer denied the claim, and the contractor appealed the decision.

The parties engaged in mediation of their dispute, with Board Judge Joseph A. Vergilio serving as mediator. Through the mediation, the parties have resolved their dispute. They have asked the Board to dismiss the appeal with prejudice to its reinstatement.

Accordingly, the appeal is **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge