



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: January 11, 2017

CBCA 4865, 5071

PERRY BARTSCH JR. CONSTRUCTION COMPANY,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Herman M. Braude and Edward Manchester of Braude Law Group, P.C., Washington, DC, counsel for Appellant.

Lisa A. Buechler, Office of the Solicitor, Department of the Interior, Lakewood, CO, counsel for Respondent.

Before Board Judges **SHERIDAN**, **ZISCHKAU**, and **O'ROURKE**.

O'ROURKE, Board Judge.

On July 15, 2015, appellant, Perry Bartsch Jr. Construction Company, appealed the deemed denial of its claim to respondent, the Department of the Interior, pursuant to the Contract Disputes Act, 41 U.S.C. §§ 7101-7109 (2012) (CDA). The appeal was docketed as CBCA 4865. The contracting officer subsequently issued a final decision on the claim, which was also appealed to this Board and docketed as CBCA 5071. The Board has jurisdiction over both appeals and consolidated them pursuant to Board Rule 2(d) (48 CFR 6101.2(d) (2015)).

On December 16, 2016, the parties filed a joint stipulation and motion for judgment complying with Board Rule 25(b) which state in relevant part:

[T]he parties jointly ask the Board to enter judgment pursuant to 41 U.S.C. §§ 7105(e) and 7108(b) as follows: (1) granting damages to Appellant in the amount of [\$200,500.00]; and (2) interest on damages shall accrue on amounts due but unpaid to Bartsch beginning on the ninety-first day after the entry of decision until payment is made and shall be calculated pursuant to the CDA § 7109(b).

The parties further attest that each will bear its own costs, attorney fees, and expenses, and that neither will seek reconsideration of, or relief from, the Board's decision, and that neither party will appeal the decision.

Decision

The appeals are **GRANTED** in part. Appellant is awarded \$200,500 plus interest calculated in accordance with the parties' joint stipulation and motion.

KATHLEEN J. O'ROURKE
Board Judge

We concur:

PATRICIA J. SHERIDAN
Board Judge

JONATHAN D. ZISCHKAU
Board Judge