



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: April 30, 2007

CBCA 406, 409

RICHARD E. McCLEARY,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Thomas E. Lynch, III, and John E. Prominski, Jr., of Miles & Stockbridge P.C.,
Frederick, MD, counsel for Appellant.

Richard O. Hughes, Office of General Counsel, General Services Administration,
Washington, DC, counsel for Respondent.

Before Board Judges **PARKER, BORWICK, and DeGRAFF.**

PARKER, Board Judge.

Appellant, Richard E. McCleary (McCleary), appealed three final decisions of a General Services Administration (GSA) contracting officer regarding the termination of lease number GS-03B-99011 for a warehouse located in Kearneysville, West Virginia. On April 23, 2007, the parties filed a joint request for entry of judgment and a settlement agreement that stated, in pertinent part:

2. Settlement Payment. GSA and McCleary agree that payment from the United States to McCleary for a total sum of \$495,000.00 . . . will constitute full and final settlement of this Appeal. . . .

. . . .

4. Processing the Settlement Payment. . . . GSA shall submit requests for payment of the Settlement Amount to the Treasury Department’s Financial Management Service within three business days after receipt of the Board’s entry of judgment

The parties also agreed that if payment is not received by appellant within thirty days, appellant shall be entitled to interest on the settlement amount commencing on the thirty-first day after the date of this decision. They have also stated that neither party will seek reconsideration of, or relief from, the Board’s decision, and that neither party will appeal the Board’s decision.

Decision

The Board adopts the parties’ settlement agreement and, consequently, these appeals are **GRANTED IN PART**. In accordance with the settlement agreement, appellant is awarded \$495,000, to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

ROBERT W. PARKER
Board Judge

We concur:

ANTHONY S. BORWICK
Board Judge

MARTHA H. DeGRAFF
Board Judge