



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: February 3, 2009

CBCA 1301

BORO CONSTRUCTION, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Ruth E. Ganister of Rosenthal and Ganister, West Chester, PA, counsel for Appellant.

Kenneth B. MacKenzie, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **STERN**, **GOODMAN**, and **McCANN**.

STERN, Board Judge.

Boro Construction, Inc. (Boro) appealed from the failure of the contracting officer of the Department of Veterans Affairs to issue a decision on appellant's claim of \$2,400,000, arising out of a contract for the construction of an addition to the Department of Veterans Affairs Medical Center in Lyons, New Jersey.

On December 18, 2008, the parties negotiated and settled the dispute in this appeal. In accordance with the requirements of Board Rule 25(b), 48 CFR 6101.25(b) (2008), the parties have filed a stipulation

and move the Board for judgment in favor of Boro in the amount of \$1,000,000, plus interest in accordance with the Contract Disputes Act, 41 U.S.C. §§ 601-613 (2006), commencing on February 18, 2005. The parties have also stipulated that they will not seek reconsideration of, or relief from, or appeal the Board's decision.

Decision

The Board adopts the stipulation of the parties. The appeal is **GRANTED IN PART**. In accordance with the stipulation of the parties, the Board awards the sum of \$1,000,000 plus interest in accordance with the Contract Disputes Act, to be paid from the permanent indefinite judgment fund. 31 U.S.C. § 1304.

JAMES L. STERN
Board Judge

We concur:

ALLAN H. GOODMAN
Board Judge

R. ANTHONY McCANN
Board Judge