



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: February 17, 2010

CBCA 1727

AG/ARG @ AVION, LLC,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Neil D. Goldman of Young, Goldman & Van Beek, P.C., Alexandria, VA, counsel for Appellant.

James F. H. Scott, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

AG/ARG @ Avion, LLC leased to the General Services Administration (GSA) space in a building located in Chantilly, Virginia. The lease provided that upon its conclusion, GSA would demolish and remove all interior improvements installed by or for the Government during the lease term and would make necessary patches and repairs.

After the lease term ended, GSA removed vinyl composition tiles which had been installed on the floors, and the concrete slab on which they had been laid was found to be damaged. The lessor claimed that GSA had injured the slab in removing the tiles and

demanded payment of \$98,945 to make repairs. GSA's contracting officer denied the claim; he determined that the slab had been defective before the tiles had been installed and that the lessor was consequently responsible for the problem. The lessor appealed his decision.

The parties have now resolved their dispute, with GSA having paid the lessor \$15,000 to settle the claim. The lessor has asked the Board to dismiss the appeal with prejudice to its reinstatement.

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

STEPHEN M. DANIELS
Board Judge