



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: December 30, 2011

CBCA 2627

SWANK ENTERPRISES,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Shawn W. Baker, Project Manager of Swank Enterprises, Kalispell, MT, appearing for Appellant.

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

DANIELS, Board Judge (Chairman).

ORDER

The Department of the Interior's National Park Service contracted with Swank Enterprises (Swank) for renovation of the heating, ventilating, and air conditioning system at a building in Glacier National Park, Montana. While the work was being performed, a boiler froze and one of its heat exchangers cracked and required replacement. Swank maintained that errors by government personnel caused the problem, and it consequently demanded that the agency reimburse it for the \$2917 it incurred in replacing the unit. The contracting officer denied the claim, deciding that Swank was responsible for providing heat in the building while construction was under way. Swank appealed the decision to the Board.

The parties have now resolved their differences, with the Government agreeing to pay, and Swank agreeing to accept, \$1458.50 in settlement of the claim. The settlement agreement includes a request that the appeal be dismissed with prejudice.

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

STEPHEN M. DANIELS
Board Judge