GRANTED IN PART: January 11, 2011

CBCA 107

REIDHEAD BROTHERS LUMBER MILL,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Richard W. Goeken and Alan I. Saltman of Saltman & Stevens, P.C., Washington, DC, counsel for Appellant.

Patricia Leigh Disert and Mary Ann Joca, Office of the General Counsel, Department of Agriculture, Albuquerque, NM, counsel for Respondent.

Before Board Judges **BORWICK**, **VERGILIO**, and **KULLBERG**.

VERGILIO, Board Judge.

On November 16, 1999, Reidhead Brothers Lumber Mill (purchaser) filed a notice of appeal involving a contracting officer's decision denying all but $5038.28 (plus interest) of the underlying claim for $500,268.11. The purchaser is claiming entitlement to relief under its contract, 001368 (the Horton Timber Sale contract), with the Forest Service of the Department of Agriculture. Following the submission of the appeal file, complaint, and answer, the parties engaged in discovery, before jointly requesting and obtaining sequential suspensions of proceedings. The parties have resolved the dispute, agreeing upon a stipulated judgment. The Forest Service shall pay the purchaser $185,000, plus applicable interest, 41 U.S.C. § 611 (2006), calculated from July 2, 1999 (the date the contracting officer received the underlying claim). The parties release each other from any and all other claims connected with the timber sale and waive any and all rights to further claims or appeals related to these matters. Although the parties reference a future dismissal with

prejudice upon receipt of payment, the requested payment through the judgment fund, 41 U.S.C. § 612, in the agreement dictates that the appeal be granted, to the full extent requested by the parties.

<div align="center">Decision</div>

Accordingly, the Board hereby **GRANTS IN PART** the appeal, such that purchaser is to receive $185,000 plus interest calculated from July 2, 1999.

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JOSEPH A. VERGILIO
Board Judge

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ANTHONY S. BORWICK   H. CHUCK KULLBERG
Board Judge   Board Judge