



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 14, 2013

CBCA 2874-FEMA

In the Matter of STATE OF LOUISIANA, FACILITY PLANNING AND CONTROL

Richard F. Zimmerman, Jr., Randal J. Robert, and Julie M. McCall of Kantrow, Spaht, Weaver & Blitzer, PLC, Baton Rouge, LA; and P. Raymond Lamonica of Louisiana State University System, Baton Rouge, LA, counsel for Applicant.

Mark S. Riley, Deputy Director, and Mark DeBosier, State Coordinating Officer, Governor's Office of Homeland Security and Emergency Preparedness, Baton Rouge, LA, appearing for Grantee.

Kristen Shedd, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC; and George M. Cotton, Office of Chief Counsel, Federal Emergency Management Agency, Baton Rouge, LA, counsel for Federal Emergency Management Agency.

Before the Arbitration Panel consisting of Board Judges **DANIELS** (Chairman), **VERGILIO**, and **KULLBERG**.

Charity Hospital in New Orleans, Louisiana, was severely damaged by Hurricanes Katrina and Rita, which struck the Gulf Coast in August and September 2005, and the flooding which ensued. In January 2010, an arbitration panel determined that the Federal Emergency Management Agency (FEMA) should pay to the State of Louisiana, Facility Planning and Control (FP&C), as a public assistance grant, the cost of replacing this hospital, \$474,750,898. Subsequently, the parties disagreed about the cost of replacing the fixed equipment in the hospital which had been damaged beyond repair. *See* 44 CFR 206.226(h). FP&C asked that an arbitration panel direct FEMA to award it, as another public assistance grant, \$62,123,575, rather than nothing, as determined by the agency.

The parties now report that pursuant to a settlement agreement, FEMA has issued a project worksheet authorizing the obligation of \$61,286,054.62 for the replacement of the fixed equipment. The parties have filed a joint stipulation requesting that we dismiss the case with prejudice.

Accordingly, the case is dismissed with prejudice.

STEPHEN M. DANIELS
Board Judge

JOSEPH A. VERGILIO
Board Judge

HAROLD C. "CHUCK" KULLBERG
Board Judge