



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 27, 2014

CBCA 3303-FEMA

In the Matter of ST. BERNARD PARISH GOVERNMENT

William M. McGoey, St. Bernard Parish Government, Chalmette, LA, counsel for Applicant.

Mark Riley, Mark DeBosier, William J. Patrigo, and Carla Richard, Governor's Office of Homeland Security and Emergency Preparedness, Baton Rouge, LA, appearing for Grantee.

Robert J. Collins and Linda D. Litke, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Baton Rouge, LA counsel for Federal Emergency Management Agency.

Before the Arbitration Panel consisting of Board Judges **SOMERS**, **STERN**, and **POLLACK**.

St. Bernard Parish Government (applicant) filed this request for arbitration with the Board as a result of withdrawal by the Federal Emergency Management Agency (FEMA) of various project worksheets that FEMA had previously obligated to fund certain of the applicant's projects resulting from damages caused by Hurricane Katrina. FEMA subsequently reversed its action and restored all project worksheets which are the subject of this arbitration.

Accordingly, the arbitration is dismissed with prejudice. The parties jointly stipulate the following sentence, which the Board hereby adopts: "The dismissal of this case with prejudice does not impair the subgrantee's right to file a subsequent arbitration in

compliance with 44 CFR 206.209, if FEMA makes a new determination, such as a de-obligation of funding of the subject Project Worksheets.”

JAMES L. STERN
Board Judge

JERI K. SOMERS
Board Judge

HOWARD A. POLLACK
Board Judge