



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: October 8, 2015

CBCA 4028

KEVCON, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William L. Bruckner and Thomas M. Regan of Bruckner Law Firm, APC, San Diego, CA, counsel for Appellant.

Ricarto Brazela, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **POLLACK**, **WALTERS**, and **SULLIVAN**.

WALTERS, Board Judge.

On October 8, 2015, the parties submitted a settlement agreement under which they settled fully the above appeal. As part of their settlement agreement, they stipulated to an award by this Board in favor of the appellant, Kevcon, Inc., in the amount of \$275,000, with the understanding that payment of that amount would be made by respondent, the Department of Veterans Affairs, from the permanent indefinite judgment fund via wire transfer into the Bruckner Law Firm, APC Client Trust Account. Respondent, under the settlement agreement, has agreed further that, within fifteen days of its receipt of this decision, it will submit to the Department of the Treasury the documents necessary to ensure payment of the stipulated amount from the judgment fund via wire transfer in the manner contemplated by the settlement agreement.

Under their joint stipulation, the parties state that they will not seek review, reconsideration of, or relief from, the Board's decision, and will not appeal the decision. In addition, under the settlement agreement, appellant has waived any right it may have to interest or to seek recovery of attorney fees and expenses under the Equal Access to Justice Act.

Decision

The appeals are **GRANTED IN PART**. In accordance with the parties' joint stipulation, the Board awards appellant, Kevcon, Inc., the stipulated settlement amount of \$275,000. Rule 25(b) (48 CFR 6101.25(b) (2014)). Payment of that amount is to be made for Kevcon, Inc. via wire transfer to the Bruckner Law Firm APC Client Trust Account as described above from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2012).

RICHARD C. WALTERS
Board Judge

We concur:

HOWARD A. POLLACK
Board Judge

MARIAN E. SULLIVAN
Board Judge