



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

---

GRANTED IN PART: May 6, 2015

CBCA 2133

VETERAN CONSTRUCTION ONE,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Laurence Schor and Dennis C. Ehlers of Asmar, Schor & McKenna, PLLC, Washington, DC, counsel for Appellant.

Joylyn Winter and Benjamin M. Diliberto, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **DRUMMOND**, **WALTERS**, and **ZISCHKAU**.

**ZISCHKAU**, Board Judge.

On May 4, 2015, the parties submitted a joint stipulation for judgment on stipulated settlement, which provided that the parties had entered into a stipulation of settlement agreement under which the claims and disputes of the captioned appeal have all been resolved.

In settlement, the Government agrees to pay appellant \$5,972,000, such amount to be inclusive of interest, with each party responsible for its own costs, attorney fees, and expenses incurred in this litigation. The respondent will not be liable for interest under the Contract Disputes Act (CDA), 41 U.S.C. §§ 7101-7109 (2012), on the agreed-upon settlement amount. The parties ask that the Board enter judgment for \$5,972,000 with payment to be made

through the permanent indefinite judgement fund. The joint stipulation of the parties provides that neither party will seek reconsideration of, or relief from the Board's decision, and neither party will appeal the Board's decision.

Decision

The Board **GRANTS IN PART** the appeal. In accordance with the parties' stipulation of settlement agreement, the Board awards appellant \$5,972,000 to fully settle all claims and disputes under the subject appeal. Payment is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

---

JONATHAN D. ZISCHKAU  
Board Judge

We concur:

---

JEROME M. DRUMMOND  
Board Judge

---

RICHARD C. WALTERS  
Board Judge