



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: September 3, 2015

CBCA 4599

MCCARTHY BUILDING COMPANIES, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Eric L. Nelson and Harry Z. Rippeon III of Smith, Currie & Hancock LLP, Atlanta, GA, counsel for Appellant.

Beth K. Chesney and Charlma Quarles, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS**, **STERN**, and **ZISCHKAU**.

**ZISCHKAU**, Board Judge.

On August 19, 2015, the parties submitted a joint request for stipulated decision, advising that the parties had entered into a settlement agreement for the captioned appeal, and requesting a stipulated award in favor of appellant in the amount of \$398,433 for increased costs for bond and insurance premiums arising out of additional work performed on the contract as directed by the Department of Veterans Affairs.

In settlement, the Government agrees to pay appellant \$398,433, such amount to be inclusive of interest, with each party responsible for its own costs, attorney fees, and expenses incurred in this litigation. The parties ask that the Board enter judgment for \$398,433 with payment to be made through the permanent indefinite judgment 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' stipulated settlement, the Board awards appellant \$398,433. Payment is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

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JONATHAN D. ZISCHKAU  
Board Judge

We concur:

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JERI K. SOMERS  
Board Judge

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JAMES L. STERN  
Board Judge