



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: July 20, 2016

CBCA 3927, 4099

P.J. DICK INCORPORATED,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

K. Bradley Mellor and Ross A. Giorgianni of Blumling & Gusky, LLP, Pittsburgh, PA; and William E. Dorris of Kilpatrick Stockton LLP, Atlanta, GA, counsel for Appellant.

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

Before Board Judges **VERGILIO**, **GOODMAN**, and **ZISCHKAU**.

**GOODMAN**, Board Judge.

On June 24 and September 13, 2014, appellant filed these subsequently consolidated appeals arising from the deemed denial and denial by respondent's contracting officer of appellant's certified claim in the amount of \$673,612. On February 8, 2016, the Board issued a decision denying respondent's motion for partial summary relief, *P.J. Dick, Inc. v. Department of Veterans Affairs*, CBCA 3927, et al., 16-1 BCA ¶ 36,239.

On July 18, 2016, pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2015)), the parties submitted a joint motion for judgment on stipulation of settlement for judgment in the amount of two hundred five thousand dollars (\$205,000), with a settlement agreement attached. Their motion states in relevant part:

[I]n accordance with the terms of the attached Settlement Agreement and Stipulation, the parties jointly move the Board for judgement in favor of the Appellant in the total amount of \$205,000.00, inclusive of all interest. Each party shall be responsible for [its] own costs, attorneys' fees and expenses incurred in this litigation. Respondent will not be liable for interest under the Contract Disputes Act on the agreed-upon settlement amount.

The Settlement Agreement states in relevant part:

Upon receiving a judgement from the CBCA . . . the [respondent] shall promptly submit all necessary documents to the Department of the Treasury for processing payment under the Judgment Fund.

Pursuant to Rule 25(b) and 27 of the Board's Rules of Procedure, appellant and respondent state in their motion that they will not seek review or reconsideration of this judgment, or relief from the judgement.

#### Decision

Pursuant to the parties' motion for stipulated award, the Board **GRANTS** the appeal **IN PART**. Appellant is awarded a total of \$205,000. Payment may be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2012).

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ALLAN H. GOODMAN  
Board Judge

We concur:

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JOSEPH A. VERGILIO  
Board Judge

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JONATHAN D. ZISCHKAU  
Board Judge