



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: November 27, 2017

CBCA 5760

SFM CONSTRUCTORS, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Colin K. McCarthy of Lanak & Hanna, PC, Orange CA, counsel for Appellant.

David G. Fagan, Office of General Counsel, Department of Veterans Affairs, Portland, OR, counsel for Respondent.

Before Board Judges **SOMERS**, **SULLIVAN**, and **O'ROURKE**.

SOMERS, Board Judge.

On November 21, 2017, the parties submitted to the Board a joint motion for judgment on stipulated settlement. The parties requested that the Board enter judgment in the amount of \$225,000, with payment to be made through the judgment fund in accordance with 31 U.S.C. § 1304 (2012) and 41 U.S.C. § 7108. *See* Rule 25(b) (48 CFR 6101.25(b) (2016)). The parties have agreed that they will not seek appeal of, reconsideration of, or relief from the Board's decision, and that each party will be responsible for its costs, attorney fees, and expenses incurred in the litigation of this appeal. Additionally, the parties have stipulated, in accordance with the Contract Disputes Act (CDA), 41 U.S.C. §§ 7101-7109, that interest on the amount of \$225,000 will begin to accrue on the thirty-first day after the date of this decision if payment has not been received.

Decision

The Board GRANTS IN PART the appeal. In accordance with the parties' joint motion, the Board awards appellant SFM Constructors, Inc., the stipulated settlement amount of \$225,000, with CDA interest beginning to accrue on that amount on the thirty-first day after the date of this decision if payment is not received by that date. Rule 25(b).

JERI K. SOMERS
Board Judge

We concur:

MARIAN E. SULLIVAN
Board Judge

KATHLEEN J. O'ROURKE
Board Judge