



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: April 10, 2018

CBCA 5828

HERMAN CONSTRUCTION GROUP, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Jessica L. Mulvaney and William L. Bruckner of Bruckner Law Firm, APC, San Diego, CA, counsel for Appellant.

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

Before Board Judges **BEARDSLEY**, **RUSSELL**, and **O'ROURKE**.

BEARDSLEY, Board Judge.

On August 24, 2017, appellant, Herman Construction Group, Inc., filed this appeal arising from respondent, Department of Veterans Affairs, contracting officer's final decision denying appellant's certified claim in the amount of \$235,237.

On April 2, 2018, pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2017)) and the terms of a settlement agreement, the parties jointly moved for a judgment based on a stipulated settlement in the amount of \$175,000, and they indicated that the amount would be paid from the judgment fund, 31 U.S.C. § 1304 (2012).

The parties also agreed that Contract Disputes Act ("CDA") interest on the amount of \$175,000 would accrue on April 30, 2018, if the settlement amount had not been paid by that date, and the interest would continue to accrue until payment was made. Appellant

waived any further right to recover interest or for attorney fees, costs, or expenses incurred in conjunction with the appeal. In addition, the parties stated that they will not seek reconsideration of, or relief from, this decision, and will not appeal it.

Decision

Pursuant to the parties' joint motion for judgment on stipulated settlement, the Board **GRANTS** the appeal **IN PART**. Appellant is awarded a total of \$175,000, with additional interest, if any, that may accrue pursuant to the agreement of the parties.

Erica S. Beardsley

ERICA S. BEARDSLEY
Board Judge

We concur:

Beverly M. Russell

BEVERLY M. RUSSELL
Board Judge

Kathleen J. O'Rourke

KATHLEEN J. O'ROURKE
Board Judge