



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: July 16, 2018

CBCA 5806

HERMAN CONSTRUCTION GROUP, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Jessica L. Mulvaney and William L. Bruckner of the 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**, **SULLIVAN**, and **RUSSELL**.

BEARDSLEY, Board Judge.

On August 4, 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 \$907,976.61.

On July 12, 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 \$450,000, and they indicated that the amount would be paid from the judgment fund, 31 U.S.C. § 1304 (2012).

The parties also agreed that interest pursuant to the Contract Disputes Act (CDA), 41

U.S.C. § 7109, on the amount of \$450,000 would begin to accrue on August 10, 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 \$450,000, 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:

Marian E. Sullivan

MARIAN E. SULLIVAN

Board Judge

Beverly M. Russell

BEVERLY M. RUSSELL

Board Judge