



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: July 24, 2007

CBCA 709

ATHERLY CONTRACTING, LLC,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Darst Atherly, President, Atherly Contracting, LLC, Bend, OR, appearing for Appellant.

Michael E. Trow, Office of the General Counsel, Department of Agriculture, Portland, OR, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman) and **STEEL**.

DANIELS, Board Judge.

Appellant, Atherly Contracting, LLC, appealed the final decision of a Department of Agriculture contracting officer denying its claim for an equitable adjustment under contract number AG-04GG-C-06-0033 for thinning and bucking on the Bend Fort Rock Ranger District of the Deschutes National Forest. Appellant elected to have the case decided under the accelerated procedure. Rule 53 (72 Fed. Reg. 36,794, 36,808 (July 5, 2007)).

On July 23, 2007, the parties filed a joint motion for stipulated judgment, stating:

The parties, the U.S. Department of Agriculture and Atherly Contracting, LLC, agree to settle the appeal for the sum of \$7,000.00 with

payment to [be] made out of the Judgment Fund. Respondent agrees to pay appellant \$7,000.00 in settlement of the appeal and appellant accepts such sum as full and complete compensation for its claim. The parties request that the Board issue a decision awarding the appellant \$7,000.00 consistent with the agreement of the parties and that said decision reflect payment is to be made through the Judgment [F]und. The parties agree that no further amount will be sought and neither party will appeal the Board[']s decision, which will be final.

Decision

This appeal is **GRANTED IN PART**. In accordance with the parties' joint motion for stipulated judgment, appellant is awarded \$7000, to be paid from the permanent indefinite judgment fund. Rule 25(b); 31 U.S.C. § 1304 (2000).

STEPHEN M. DANIELS
Board Judge

I concur:

CANDIDA S. STEEL
Board Judge