



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITH PREJUDICE: March 2, 2009

CBCA 1334, 1335

MRT HEAVY HAULING, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Tyler M. Cole, Manager of MRT Heavy Hauling, Inc., Albuquerque, NM, appearing for Appellant.

Patricia Leigh Disert, Office of the General Counsel, Department of Agriculture, Albuquerque, NM, counsel for Respondent.

**DANIELS**, Board Judge (Chairman).

ORDER

The Department of Agriculture's Natural Resources Conservation Service awarded to MRT Heavy Hauling, Inc. (MRT) a construction contract for rehabilitation of the Piedra Liza Dam near Bernalillo, New Mexico. In performing this contract, MRT filed two claims -- one in the amount of \$80,448.66, relating to costs allegedly incurred as a result of changes to the specifications for reinforced concrete pressure pipe, and the other in the amount of

\$95,119, relating to costs allegedly incurred as a result of improper measurements for concrete and inadequate design of slope grades. The contracting officer denied the first claim in full and the second in part. MRT appealed both of his decisions.

On February 27, 2009, the parties filed a joint motion to dismiss the appeals, stating that the parties have reached a settlement and requesting that the appeals be dismissed with prejudice.

Accordingly, the appeals are **DISMISSED WITH PREJUDICE**.

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STEPHEN M. DANIELS  
Board Judge