



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: January 3, 2011

CBCA 1810, 1864, 1987

WILSON CONSTRUCTION, INC.,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Timothy F. Winchester of McInerney & Dillon, P.C., Oakland, California, counsel for Appellant.

Charles B. Wallace, Office of the Solicitor, Department of the Interior, Washington, DC, counsel for Respondent.

Before Board Judges **VERGILIO**, **KULLBERG**, and **WALTERS**.

WALTERS, Board Judge.

These appeals are currently before the Board on joint motion for judgment on a stipulated settlement. The appeals relate to claims submitted by the appellant, Wilson Construction, Inc. (Wilson), in connection with its performance of contract number CMJ00090002 with the respondent, Department of the Interior, for the construction of specified roads at the Bridgeport Indian Reservation in Bridgeport, California. By settlement agreement executed on December 7, 2010, and by subsequent stipulation executed December 20, 2010, the parties have stipulated to an award by this Board in favor of Wilson in the amount of \$360,000 in full settlement of those claims and appeals. By their joint motion, the parties have stipulated further that interest on such amount will begin to

accrue on January 8, 2011, at the interest rate(s) published by the Secretary of the Treasury semi-annually for purposes of the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613 (2006), should payment of the judgment amount not be made by January 7, 2011, and that such interest shall be paid to Wilson along with the payment of the stipulated judgment award. Finally, the parties have stipulated that neither party will seek reconsideration of, or relief from, the Board's decision and that neither party will appeal the Board's decision.

Decision

These appeals are **GRANTED IN PART**. In accordance with the parties' stipulation of settlement and joint motion, the Board awards the appellant the sum of \$360,000 for all claims under the appeals; payment is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2006). Interest on said sum shall begin to accrue on January 8, 2011, at the interest rate(s) published by the Secretary of the Treasury semi-annually for purposes of the CDA, should payment of the award not be made by January 7, 2011, and shall be paid to the appellant together with the award.

RICHARD C. WALTERS
Board Judge

We concur:

JOSEPH A. VERGILIO
Board Judge

H. CHUCK KULLBERG
Board Judge