



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: October 15, 2015

CBCA 3886

MCCARTHY BUILDING COMPANIES, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Eric L. Nelson and Harry Z. Rippeon III of Smith, Currie & Hancock LLP, Atlanta, GA, counsel for Appellant.

Beth K. Chesney and Charlma Quarles, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS**, **KULLBERG**, and **ZISCHKAU**.

**ZISCHKAU**, Board Judge.

On October 8, 2015, the parties submitted a joint request for stipulated decision, advising that the parties had entered into a settlement agreement for the captioned appeal, and requesting a stipulated award in favor of appellant in the amount of \$875,000, plus Contract Disputes Act (CDA) interest from March 5, 2014, until the date of payment, for increased costs for winterization changes and impacts resulting from directives issued by the Department of Veterans Affairs. This payment is to be made through the permanent indefinite judgment fund, such amount to constitute complete compensation for the appellant and its subcontractors for any and all damages and costs, direct and indirect, due to the winterization changes and impacts as alleged in the captioned appeal. The parties stipulate that neither party will seek reconsideration of, or relief from the Board's decision, and neither party will appeal the Board's decision.

Decision

The Board **GRANTS IN PART** the appeal. In accordance with the parties' stipulated settlement, the Board awards appellant \$875,000, plus CDA interest (*see* 41 U.S.C. § 7109(b) (2012)) from March 5, 2014, until the date of payment. Payment is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

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JONATHAN D. ZISCHKAU  
Board Judge

We concur:

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JERI K. SOMERS  
Board Judge

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H. CHUCK KULLBERG  
Board Judge