



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: November 17, 2017

CBCA 5700

ONEIDA COMMUNICATIONS, INC.,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Nichole D. Atallah, Patrick E. Rothwell, and Sarah L. Nash of PilieroMazza PLLC, Washington, DC, counsel for Appellant.

Brian C. Caney, Office of the General Counsel, Department of Health and Human Services, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS** (Chair), **SULLIVAN**, and **BEARDSLEY**.

**SOMERS**, Board Judge.

This appeal is currently before the Board on a joint motion for judgment on a stipulated settlement. The appeal relates to a claim submitted by appellant, Oneida Communications, Inc. (Oneida), seeking payment of increased costs in the amount of \$776,124.92 that Oneida incurred due to a contract modification that retroactively incorporated a wage determination from the U.S. Department of Labor, as well as Federal Acquisition Regulation (FAR) clauses related to the Service Contract Act of 1965, 41 U.S.C. §§ 6701-6707 (2012). On November 14, 2017, the parties stipulated to an award by this Board to Oneida in the amount of \$767,743.91 in full settlement of the claim and the appeal.

Both parties stipulate that they will not seek reconsideration of, or relief from the Board's decision, and they will not appeal the decision.

Decision

Pursuant to the parties' joint motion and Board Rule 25(b) (48 CFR 6101.25(b)(2016), this appeal is **GRANTED**. In accordance with the parties' stipulation of settlement and joint request for board stipulation of settlement amount based on settlement agreement, the Board awards the appellant the sum of \$767,743.91 for its claim under the appeal; payment is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

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JERI K. SOMERS  
Board Judge

We concur:

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MARIAN E. SULLIVAN  
Board Judge

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ERICA S. BEARDSLEY  
Board Judge