



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: September 18, 2019

CBCA 6249

AMERICAN BEEF PACKERS, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

James Y. Boland of Venable LLP, Tysons Corner, VA; and Spencer P. Williams of Venable LLP, Washington, DC, counsel for Appellant.

Antonio T. Robinson, Office of the General Counsel, Department of Agriculture, Washington, DC, counsel for Respondent.

Before Board Judges **GOODMAN**, **LESTER**, and **CHADWICK**.

LESTER, Board Judge.

ORDER

On September 4, 2018, appellant, American Beef Packers, Inc. (ABP), appealed the decision of a Department of Agriculture Agricultural Marketing Service (AMS) contracting officer denying ABP's claim under AMS contract nos. 12-3J14-17-P-1939 (order no. 4100013495), 12-3J14-17-P-2296 (order no. 4100013765), and 12-3J14-18-P-0164 (order no. 4100013925). In its certified claim, ABP sought \$445,975.73 in damages, later increased

to \$648,787.99, that ABP alleged resulted from AMS's rejection of ABP's deliveries of raw course ground beef under the contracts. The Board docketed the appeal as CBCA 6249.

On September 17, 2019, the parties filed a joint motion for entry of judgment in which they reported that, through a settlement agreement, they had stipulated to an award in ABP's favor of \$636,520.19, plus \$30,592.21 in interest under the Contract Disputes Act (CDA), 41 U.S.C. § 7109 (2012), to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304. The parties have further stipulated that they will not seek reconsideration of or relief from, and will not appeal, the Board's decision awarding the stipulated amount.

Decision

The appeal is **GRANTED IN PART**. The Department of Agriculture shall pay \$636,520.19, plus CDA interest in the amount of \$30,592.21, to ABP in full settlement of CBCA 6249, with each party to bear its own costs, attorney fees, and expenses. This payment shall be made in accordance with 41 U.S.C. § 7108 and may be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

Harold D. Lester, Jr.

HAROLD D. LESTER, JR.

Board Judge

We concur:

Allan H. Goodman

ALLAN H. GOODMAN

Board Judge

Kyle Chadwick

KYLE CHADWICK

Board Judge