



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED AS TO INTEREST ACCRUAL DATES: April 20, 2022

CBCA 5826, 6861, 6897, 7049

CTA I, LLC,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

John M. Manfredonia of Manfredonia Law Offices, LLC, Cresskill, NJ; William E. Dorris of Kilpatrick Townsend & Stockton LLP, Atlanta, GA; and Brian G. Walsh and Jennifer Eve Retener of Wiley Rein LLP, Washington, DC, counsel for Appellant.

Harold W. Askins, III, Office of General Counsel, Department of Veterans Affairs, Charleston, SC, and Tyler W. Brown, Office of General Counsel, Department of Veterans Affairs, Portland, OR, counsel for Respondent.

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

CHADWICK, Board Judge.

The Board's decision awarding termination for convenience costs in this case reserved the issue of the accrual of interest under 41 U.S.C. § 7109 (2018) for further proceedings. After supplemental briefing, we agree with the appellant that its "equitable adjustment claim[s]" were "not extinguished by the government's termination for convenience," *American Eagle Industries, Inc. v. Babbitt*, No. 98-1466, 1999 WL 508318, at *3 (Fed. Cir. July 14, 1999) (citing *James M. Ellett Construction Co. v. United States*, 93 F.3d 1537, 1546 (Fed. Cir. 1996)), and that interest on the equitable adjustments of the contract price runs from the date that the appellant submitted the certified equitable adjustment claim underlying

CBCA 6861, while interest on the remainder of the award runs from the date that the appellant certified the termination costs claim.

Decision

The appeals are **GRANTED** as to interest accrual dates. Of the \$1,465,664.10 awarded, statutory interest shall accrue on the equitable adjustment amount of \$414,883.40 from January 25, 2020, until the payment date and shall accrue on the remaining \$1,050,780.70 from January 27, 2020, until the payment date.

Kyle Chadwick
KYLE CHADWICK
Board Judge

We concur:

Allan H. Goodman
ALLAN H. GOODMAN
Board Judge

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge