

ATHERTON CONSTRUCTION

CONTRACT NO. V567C-291

VABCA-4502

VA MEDICAL CENTER
FT. LYON, COLORADO

Denver C. Snuffer, Jr., Esq., Nelson, Snuffer & Dahle, P.C., Sandy, Utah, for the Appellant.

Paul A. Embroski, Esq., Trial Attorney, and *Phillipa L. Anderson, Esq.*, Acting Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER OF JUDGMENT

1. By Memorandum dated October 12, 1995, the Department of Veterans Affairs and Appellant jointly requested that the Board issue an Order of Judgment in the lump sum amount of \$45,000 consistent with the terms and conditions set forth in an attached Settlement Agreement concerning VABCA-4502.
2. The parties recite that they have reached "amicable resolution" of the issues which are the subject of VABCA4502 and the VA agrees "to convert Atherton's August 24, 1994, Termination for Default to a No-Cost Termination for Convenience" and "to pay Atherton the lump sum amount of \$45,000 in full and complete compensation for all materials delivered by Atherton to the project which remained unpaid." In addition, the parties release each other from any further liability arising out of Contract No. V567C-291, including interest and attorneys fees.
3. Inasmuch as the parties have stipulated the equitable adjustment due Atherton Construction in VABCA4502, their joint request for an Order of Judgment is granted. Appellant is found entitled to \$45,000 pursuant to the terms and conditions of the SETTLEMENT AGREEMENT entered into by the parties.

IT IS SO ORDERED

DATE: October 16, 1995

MORRIS PULLARA, JR.
Administrative Judge