

CARPENTER CONTRACTING, INC.

CONTRACT NO. V621C-505

VA MEDICAL CENTER
MOUNTAIN HOME, TENNESSEE

**VABCA-6003, 6007,
6009-6012 and
6014-6016**

James W. Copeland, Esq., Smith, Currie & Hancock LLP, Atlanta, Georgia,
for the Appellant.

Millicent Gompertz, Esq., Trial Attorney; *Charlma J. Quarles, Esq.*, Deputy
Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General
Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER ENTERING JUDGMENT

1. On October 1, 2002, the Board received from the Department of Veterans Affairs (VA) and Appellant a JOINT MOTION FOR JUDGMENT ON SETTLEMENT AGREEMENT. The motion encloses a SETTLEMENT AGREEMENT finally executed on September 23, 2002, entered into by the parties concerning VABCA-6003, 6007, 6009-6012 and 6014-6016.
2. The parties recite that as the result of an ADR proceeding held at the VAMC, Mountain Home, Tennessee, on August 8, 2002, they settled all claims related to the above referenced appeals. The parties entered into the SETTLEMENT AGREEMENT whereby VA agreed "to pay Appellant in the amount of \$210,000, plus Contract Disputes Act interest, calculated pursuant to the [Contract Disputes

Act of 1978, 41 U.S.C. § 601-613], from January 20, 1999, [until paid], and \$35,000 in attorney fees." These amounts represent the complete and final settlement of all costs associated with these appeals and with performance of the subject contract. In addition, each party released the other from any and all claims relating to or arising out of the contract.

3. Inasmuch as the parties have stipulated the equitable adjustments due Carpenter Contracting, Inc. in VABCA-6003, 6007, 6009-6012 and 6014-6016, their JOINT MOTION FOR JUDGMENT ON SETTLEMENT AGREEMENT is GRANTED. Appellant is found entitled to \$210,000, plus interest, and \$35,000 in attorney fees pursuant to the terms and conditions of the SETTLEMENT AGREEMENT entered into by the parties.

IT IS SO ORDERED

DATE: **October 2, 2002**

MORRIS PULLARA, JR.
Administrative Judge