

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Fluor Intercontinental, Inc.) ASBCA No. 59062
)
Under Contract Nos. W912ER-04-D-0004)
W912ER-09-C-0057)

APPEARANCES FOR THE APPELLANT: Karen L. Manos, Esq.
Dhananjay S. Manthripragada, Esq.
Gibson, Dunn & Crutcher LLP
Washington, DC

APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.
Engineer Chief Trial Attorney
Michaele J. Mandulak, Esq.
Engineer Trial Attorney


OPINION BY ADMINISTRATIVE JUDGE PEACOCK

The parties have filed a Release and Settlement Agreement dated 16 June 2014, resulting from an Alternative Dispute Resolution/Settlement Judge process, in which they jointly request the entry of a consent judgment in accordance with the Release and Settlement Agreement.


It is the Board's decision, pursuant to 41 U.S.C. §§ 7105(e), 7108(b), and the parties' stipulation and agreement, that the appeal is sustained. In the nature of a consent judgment, the Board makes a monetary award to appellant in the amount of \$28,522,169.54. In the event the government fails to pay Fluor Intercontinental, Inc., the full settlement amount within 70 calendar days after the date of the consent judgment, the parties agree that the government shall pay Fluor Intercontinental, Inc., interest on the full settlement amount until Fluor Intercontinental, Inc., receives payment. The interest due from the government to Fluor Intercontinental, Incorporated will be calculated pursuant to 41 U.S.C. § 7109. The parties have represented to the Board that this consent judgment will not be presented for payment

from the Judgment Fund and will be paid in accordance with the terms of the Release and Settlement Agreement.


Dated: 17 June 2014


ROBERT F. PEACOCK
Administrative Judge
Armed Services Board
of Contract Appeals

I concur


MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I concur


RICHARD SHACKLEFORD
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Opinion and Decision of the Armed Services Board of Contract Appeals in ASBCA No. 59062, Appeal of Fluor Intercontinental, Inc., rendered in conformance with the Board's Charter.

Dated:

JEFFREY D. GARDIN
Recorder, Armed Services
Board of Contract Appeals