

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of -- )  
 )  
MARCON Engineering, Inc. ) ASBCA Nos. 57471, 60511  
 )  
Under Contract No. W912BV-08-D-2026 )

APPEARANCE FOR THE APPELLANT: Theodore M. Bailey, Esq.  
Bailey & Bailey, P.C.  
San Antonio, TX

APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.  
Engineer Chief Trial Attorney  
John F. Bazan, Esq.  
Engineer Trial Attorney  
U.S. Army Engineer District, Los Angeles

OPINION BY ADMINISTRATIVE JUDGE PEACOCK

Pursuant to an Alternative Dispute Resolution/mediation process, the parties have settled the referenced appeals and have jointly filed a "Request for Entry of Consent Judgment" (Request), dated 2 May 2017. Accordingly, it is the Board's decision pursuant to 41 U.S.C. §§ 7105(e), 7108(b), and the parties' settlement and Request that the appeals are sustained. In the nature of a consent judgment, the Board sustains these appeals in the amount of \$1,202,405. This amount is inclusive of Contract Disputes Act interest. No further interest shall be paid.

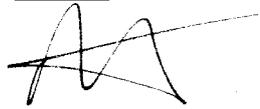
Dated: 8 May 2017

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

I concur

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

I concur

  
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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 Nos. 57471, 60511 Appeals of MARCON Engineering, Inc., rendered in conformance with the Board's Charter.

Dated:

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