

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Trade West Construction, Inc.) ASBCA No. 59488
)
Under Contract No. W9128A-12-C-0026)

APPEARANCES FOR THE APPELLANT: Karl Dix, Jr., Esq.
Jonathan R. Mayo, Esq.
Smith, Currie & Hancock LLP
Atlanta, GA

APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.
Engineer Chief Trial Attorney
Robyn U. Au, Esq.
Jonathan A. Swanson, Esq.
Engineer Trial Attorneys
U.S. Army Engineer District,
Honolulu

OPINION BY ADMINISTRATIVE JUDGE PEACOCK

The Board issued an Opinion in this appeal on 19 February 2015. By letter dated 12 March 2015, the parties notified the Board that they wish to apply for payment from the Judgment Fund of a lesser amount than originally anticipated. Accordingly, the Board hereby vacates its 19 February 2015 Opinion and issues this Opinion in its place.

Pursuant to a mediation conducted by the Board, the parties have settled the appeal. The parties have entered into a settlement agreement and have jointly requested that the Board enter judgment in the above-referenced appeal.

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 \$1,225,000.00. The Corps of Engineers has paid \$400,000.00 to Trade West Construction, Inc., and will pay an additional \$300,000.00 by 31 March 2015.

The remaining balance (\$525,000.00) will be submitted for payment from the Judgment Fund. This amount is inclusive of interest. No further interest shall be paid.

Dated: 16 March 2015



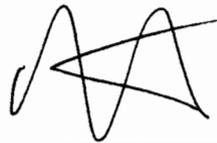
ROBERT T. PEACOCK
Administrative Judge
Armed Services Board
of Contract Appeals

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. 59488, Appeal of Trade West Construction, Inc., rendered in conformance with the Board's Charter.

Dated:

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