

ARMED SERVICES BOARD OF CONTRACT APPEALS

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

APPEARANCE 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

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 will pay Trade West Construction, Inc. \$400,000 of this sum. The balance (\$825,000) will be submitted for payment from the Judgment Fund. This amount is inclusive of interest. No further interest shall be paid.

Dated: 19 February 2015



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

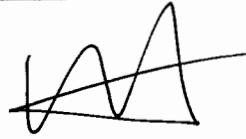
(Signatures continued)

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