**U.S. Department of Labor**

Board of Contract Appeals
1111 20th Street, N.W.
Washington, D.C. 20036

DATE: 19 FEB 1987
CASE NO. 86-BCA-23

In the Appeal of

NATIONAL ALLIANCE OF BUSINESS
APPELLANT

v.

U.S. DEPARTMENT OF LABOR
RESPONDENT

ORDER OF DISMISSAL

In consideration of the parties' Joint Motion to Dismiss requesting an order dismissing this proceeding with prejudice and attaching the Settlement Agreement executed by the parties, it is this 19th day of February, 1987,

ORDERED that this claim be dismissed with prejudice as settled.

EDWARD TERHUNE MILLER
Administrative Law Judge and
Member, Board of Contract Appeals

Washington, D.C.

ETM:paw

U.S. DEPARTMENT OF LABOR
BOARD OF CONTRACT APPEALS
WASHINGTON, D.C. 20036

In the Matter of

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| NATIONAL ALLIANCE OF BUSINESS,<br>Appellant | Case No. 86-BCA-23<br>Contract Nos.<br>99-0-454-42-02<br>99-9-454-42-02<br>99-1-454-42-7 |
| v. | |
| U.S. DEPARTMENT OF LABOR,<br>Respondent. | |

SETTLEMENT AGREEMENT

THIS AGREEMENT is entered into between the U.S. Department of Labor (hereinafter the "Department"), and the National Alliance of Business (hereinafter the "Contractor") as represented by its Vice President for Administration.

WHEREAS, the Department and the Contractor entered into Contract Nos. 99-0-454-42-02, 99-9-454-42-2, and 99-1-454-42-7, together with any and all amendments, changes, modifications, under the Comprehensive Employment and Training Act of 1973, as amended, 29 U.S.C. § 801 et seq.;

AND WHEREAS, on April 18, 1986, the Contract Officer issued his Final Decision, based on Audit Report No. 11-6-022-03-345 concerning the period November 1, 1979 through June 30, 1981, disallowing $18,580 in costs.

AND WHEREAS, the Contractor agreed that $13,679.33 was properly disallowed and paid this amount on May 7, 1986, leaving $4,900.67 disallowed and subject to debt collection under the Final Decision.

AND WHEREAS, on June 13, 1986, the Contractor filed an appeal of the disallowance of the remaining $4,900.67 from the Final Decision, and the case was docketed as 86-BCA-23;

AND WHEREAS, the parties desire to resolve this matter without the necessity of additional litigation.

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. The Contractor agrees to pay, from non-federal sources, the amount of $2,600 to the U.S. Department of Labor. This payment is in full settlement of any and all remaining claims arising out of the audit disallowances relating to this docketed proceeding.

2. The DOL agrees, based on its review of these cases and consistent with law and policy, that it is in the best interest of the DOL to accept $2,600 in settlement of this case and hereby acknowledges receipt of the Contractor's payment by certified check of this amount.

3. Upon any breach of this settlement agreement on the part of the Contractor, the amount of $4,900.67, plus interest accrued from 30 days after the Final Decision, and any applicable penalty, processing, and handling fees, will be due for immediate payment.

4. The parties agree that they will bear their own expenses and fees, including attorney fees, incurred in connection with any stage of these proceedings, except as provided in paragraph 3.

DATED: 11/19/86

MARY GILLILAND
Vice President, Administration
National Alliance of Business

DATED: 1/9/87

JOSEPH T. PASLAWSKI
Acting Director
Office of Grants and
Contracts Management

DATED: 1/15/87

PATRICK D. GILFILLIAN
Attorney for the Contract/
Grant Officer
Office of the Solicitor
U.S. Department of Labor