

U.S. Department of Labor

Board of Contract Appeals
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April 20, 2001

Case No.: 1997-BCA-4

Appeal of

BRERO CONSTRUCTION, INC.

Contract No.: #-4098-3-00-82-20

ORDER OF DISMISSAL WITH PREJUDICE

By correspondence dated March 6, 2001, Appellant with supplemental explanation enclosed a copy of the Settlement Agreement and Mutual Release for Case Number 1997-BCA-4, and requested that Case Number 1997-BCA-4 be dismissed with prejudice. Appellant also requested that Case Number 1999-BCA-2, the A&A Mechanical pass through claim, be dismissed without prejudice. By letter to counsel for the parties dated March 9, 2001, the Board requested further advice regarding the disposition of these cases. No response has been received. Since the request for dismissal is by the Appellant, the failure of the Contracting Officer to object to the request for relief by the Appellant or to respond in over a month to the request for clarification by the Board is construed as acquiescence by the Contracting Officer in the disposition requested by Appellant. Wherefore, it is

ORDERED that the Appeal of Brero Construction, Inc., 1997-BCA-4, be dismissed with prejudice as settled.

EDWARD TERHUNE MILLER
Member, Board of Contract Appeals