



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: September 30, 2015

CBCA 4590, 4758

KEVCON, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William L. Bruckner and Thomas M. Regan of Bruckner Law Firm, APC, San Diego, CA, counsel for Appellant.

Stacey North-Willis, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **SHERIDAN**, and **WALTERS**.

WALTERS, Board Judge.

On September 29, 2015, the parties submitted a joint motion for judgment on stipulated settlement, stating that they have entered into a settlement agreement under which they have settled fully the disputes forming the basis of the above-captioned consolidated appeals. Pursuant to that agreement, they have jointly moved the Board for judgment in favor of the appellant, Kevcon, Inc., in the stipulated amount of \$580,000. The settlement agreement indicates the parties' intent that payment be made from the permanent indefinite judgment fund, and respondent, the Department of Veterans Affairs, has agreed that, within fifteen days of its receipt of this decision, it will submit to the Department of the Treasury the documents necessary to ensure payment of the stipulated amount from the judgment fund.

Under the joint motion, the parties state that they will not seek reconsideration of, or relief from, the Board's decision, and will not appeal the decision. In addition, under the joint motion and the settlement agreement, appellant has waived any right it may have to interest or to seek recovery of attorney fees and expenses under the Equal Access to Justice Act.

Decision

The appeals are **GRANTED IN PART**. In accordance with the parties' joint motion, the Board awards appellant, Kevcon, Inc., the stipulated settlement amount of \$580,000. Rule 25(b) (48 CFR 6101.25(b) (2014)). Payment to Kevcon, Inc. of that amount is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2012).

RICHARD C. WALTERS
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

PATRICIA J. SHERIDAN
Board Judge