



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: March 1, 2016

CBCA 2224

ABSHER CONSTRUCTION COMPANY,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Dennis P. Greenlee, Jr., General Counsel of Absher Construction Company, Puyallup, WA, counsel for Appellant.

Richard O. Hughes, Office of Regional Counsel, General Services Administration, New York, NY, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

Absher Construction Company (Absher) constructed the United States Courthouse in Seattle, Washington, under contract with the General Services Administration (GSA). Several years after the building was completed, problems arose with regard to the fire alarm system. GSA claimed that the problems were the result of latent defects in the system and demanded that Absher pay repair costs in the amount of \$272,500. Absher appealed the contracting officer's decision, contending that any problems were the result of the agency's failure to maintain the system properly.

The contracting officer's decision was issued in August 2010, and the appeal was filed in November of that year. By April 2011, the parties reported that they had reached a tentative settlement of the case. In February 2013, they represented that they had reached a settlement and would "immediately finalize the appropriate settlement documents and jointly move to dismiss the matter." On February 29, 2016, the parties finally filed a joint motion to dismiss the case with prejudice.

The motion is granted. The appeal is **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge