

**U.S. Department of Labor**

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



DATED: September 29, 1987  
CASE NO. 86-BCA-28

In the Appeal of

TRAINING & MANAGEMENT RESOURCES, INC.  
Appellant

v.

U.S. DEPARTMENT OF LABOR  
Respondent

ORDER OF DISMISSAL

In consideration of the Joint Motion To Dismiss filed by the parties on September 25, 1987, and the Settlement Agreement attached thereto; and it appearing that all issues between the parties have been resolved, it is this 29th day of September, 1987,

ORDERED that this appeal be dismissed with prejudice as settled.

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

Washington, D.C.

ETM: paw

UNITED STATES DEPARTMENT OF LABOR  
BOARD OF CONTRACT APPEALS  
WASHINGTON, D.C. 20036

TRAINING AND MANAGEMENT  
RESOURCES, INC.,

Appellant,

v.

Case No. 86-BCA-28

UNITED STATES DEPARTMENT  
OF LABOR,  
Respondent.

SETTLEMENT AGREEMENT

This agreement is entered into between the United States Department of Labor ("Department") and the Training and Management Resources, Inc. ("TMR");

WHEREAS, the Department and TMR entered into contract Nos. 13-2-0001-43, 45-1-0007-43, 45-4-0012-43, and JCC-20-2029-13 together with any and all modifications thereto;

WHEREAS, on June 30, 1986, the Contracting Officer issued a Final Decision relating to the findings of Financial and Compliance Report No. 09-5-274-03-370 disallowing \$156,248.56;

WHEREAS, TMR appealed the Contracting Officer's Final Decision and said appeal is now pending before the Department's Board of Contract Appeals as Case No. 86-BCA-28;

WHEREAS, TMR, by its Complaint, conceded that \$1,418 of costs disallowed in Finding B.4 of the Contracting Officer's Final Decision is not in dispute;

WHEREAS, the parties desire to settle their differences in this matter without the necessity of further litigation;

NOW, THEREFORE, the parties agree as follows:

1. The Department, after reviewing additional documentation submitted, agrees to allow \$154,830.56 in costs previously disallowed.

2. Upon the signing of this Settlement Agreement, TMR agrees to pay, from non-federal sources, the amount of \$1,418 of disallowed costs not in dispute.

3. The parties agree that they will bear their own expenses and fees, including attorney fees, incurred by them in conjunction with any stage of these proceedings.

FURTHER, the parties agree that this Settlement Agreement shall constitute the basis upon which they shall seek a dismissal of this case, with prejudice.

Dated: Sept. 3, 1987

FRITZ R. KAHN  
JOHN A. MENKE  
Attorneys for Training and  
Management Resources, Inc.

Dated: Sept. 14, 1987

CHARLES A. WOOD, JR.  
Grant Contract Officer  
Division of Audit, Closeout  
& Appeals Resolution

Dated: Sept. 18, 1987

GARY E. BERNSTECKER  
Attorney for the Contracting  
Officer, U.S. Department  
of Labor