

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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DISMISSED WITHOUT PREJUDICE: May 25, 2001

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GSBCA 15461

R. M. SHOEMAKER CO.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

James D. Hollyday of Pepper Hamilton LLP, Philadelphia, PA, counsel for Appellant.

David M. Smith, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

**DANIELS**, Board Judge (Chairman).

## ORDER

R. M. Shoemaker Co. (Shoemaker) held a contract with the General Services Administration (GSA) for repairs and renovations of the Byrne/Green Complex in Philadelphia, Pennsylvania. GSA issued a deductive modification to the contract, unilaterally reducing the contract price by \$504,165 on the ground that Shoemaker had failed to provide required superintendence of the work. Shoemaker claimed that it was entitled to the money withheld; the contracting officer denied that claim; and Shoemaker appealed the contracting officer's decision.

In May 2001, the parties submitted the case to alternative dispute resolution, with a Board judge serving as mediator. As a result of this session, the parties settled the case, subject to approval procedures within the GSA Office of General Counsel. The parties then filed a joint motion for an order dismissing the appeal without prejudice pursuant to Board Rule 128, 48 CFR 6101.28 (2000).

As requested by the parties, the Board **DISMISSES THE CASE WITHOUT PREJUDICE**. Rule 128.

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STEPHEN M. DANIELS  
Board Judge