

CLIENT ALERT

No Recovery Under EAJA for Employee's Costs Working on an Appeal

Feb.28.2020

In GSI & Whitesell-Green JV (Jan. 30, 2020), the Armed Services Board of Contract Appeals denied a contractor's request for Equal Access to Justice Act fees that reflected its employees' costs of supporting the entitlement appeal. The Board rejected the contractor's argument that its employees' costs were similar to attorney's fees finding support in *Fanning Phillips, Molnar v. West*, 160 F.3d 717 (Fed. Cir. 1998), which held that EAJA did not cover costs related to a contractor employees' "personal absence from a business" or "other expenses" or "time spent [as] an 'expert witness.'"

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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