



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: April 13, 2011

CBCA 2215-C(1093)

DSS SERVICES, INC.,

Applicant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Ronald J. Shaw of The Shaw Law Firm, P.C., San Antonio, TX, counsel for Applicant.

Michael J. Noble, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS**, **GOODMAN**, and **STERN**.

SOMERS, Board Judge.

DSS Services, Inc. (DSS) has submitted an application for reimbursement of fees and costs under the Equal Access to Justice Act, 5 U.S.C. § 504 (2006) (EAJA), incurred in connection with its successful prosecution of its claim. Initially, DSS sought an award of \$98,765.63 in attorney fees and \$3754.85 in other expenses, for a total of \$102,520.48. The Government submitted a response and conceded that its position could not be characterized as substantially justified. However, the Government objected to a portion of the fees and costs sought -- \$13,718.75 in attorney fees and \$262.09 in expenses -- on various grounds.

After the Board closed the record by order dated February 1, 2011, appellant's counsel requested a teleconference. During the teleconference call held on February 10, 2011, appellant's counsel offered to waive the disputed fees and costs. The Board reopened the

record to permit the parties to file additional submissions related to appellant's offer no later than March 14, 2011.

On February 15, 2011, appellant filed a "reply to respondent's partial opposition to appellant's equal access to justice act application." Appellant's counsel verified that it waived its request for payment of \$13,718.75 attorney fees and \$262.09 in expenses. It amended its application to seek a total of \$88,539.64 in EAJA attorney fees and costs. Respondent did not submit any additional material, and the Board closed the record by order dated March 29, 2011.

Decision

The cost application is **GRANTED IN PART**, as revised. We award to DSS \$85,046.88 in attorney fees and \$3492.76 in other expenses, for a total of \$88,539.64.

JERI KAYLENE SOMERS
Board Judge

We concur:

ALLAN H. GOODMAN
Board Judge

JAMES L. STERN
Board Judge