



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DENIED: January 27, 2022

CBCA 7092-C(6682, 6765, 6767)

PRIME TECH CONSTRUCTION LLC,

Applicant,

v.

DEPARTMENT OF ENERGY,

Respondent.

Chizoma B. Onyems, President of Prime Tech Construction LLC, Auburn, CA, appearing for Applicant.

Thomas M. Cordova, Office of the General Counsel, Department of Energy, Lakewood, CO, counsel for Respondent.

Before Board Judges **ZISCHKAU**, **SULLIVAN**, and **CHADWICK**.

**CHADWICK**, Board Judge.

The applicant filed three appeals with the Board in which it obtained no relief. *Prime Tech Construction LLC v. Department of Energy*, CBCA 6682, et al. (Mar. 31, 2021), *motion for reconsideration denied*, 21-1 BCA ¶ 37,839, *motion for full Board consideration denied* (July 2, 2021), *appeal dismissed for failure to prosecute*, No. 21-2179 (Fed. Cir. Oct. 28, 2021). In April 2021, the applicant sought attorney fees and costs for the appeals under the Equal Access to Justice Act, 5 U.S.C. § 504 (2018). We deferred action on the application, which the applicant has “updated” several times, until “the time to seek appellate review of” our decisions “expired” and the application became timely. Board Rule 30(b) (48 CFR 6101.30(b) (2020)); *see* 5 U.S.C. § 504(a)(2).

We require no response from the respondent under Rule 30(d)(1). The application is meritless. The applicant was not the “prevailing party,” was not represented by an attorney, and did not proffer expert testimony. For these reasons, the applicant is not entitled to an award of fees or costs. See 5 U.S.C. § 504(a)(1), (2); *Comter Systems, Inc. v. General Services Administration*, CBCA 4878-C(3534), 16-1 BCA ¶ 36,283; *Vehicle Maintenance Services v. General Services Administration*, GSBCA 12942-C (11663), 95-1 BCA ¶ 27,513.

Decision

The application is **DENIED**.

*Kyle Chadwick*

KYLE CHADWICK  
Board Judge

We concur:

*Jonathan D. Zischkau*

JONATHAN D. ZISCHKAU  
Board Judge

*Marian E. Sullivan*

MARIAN E. SULLIVAN  
Board Judge