



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED: July 18, 2016

CBCA 5353-C(4060)

R.A. GLANCY & SONS, INC.,

Applicant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Joseph A. Camardo, Jr. of Camardo Law Firm, P.C., Auburn, NY, counsel for Applicant.

Jennifer L. Hedge, Office of Regional Counsel, Department of Veterans Affairs, Pittsburgh, PA, counsel for Respondent.

Before Board Judges **VERGILIO**, **GOODMAN**,¹ and **ZISCHKAU**.

VERGILIO, Board Judge.

R.A. Glancy & Sons, Inc. (applicant) prevailed in the appeal, *R.A. Glancy & Sons, Inc. v. Department of Veterans Affairs*, CBCA 4060, 16-1 BCA ¶ 36,217, underlying this timely filed application for recovery pursuant to the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504 (2012). Maintaining that it satisfies the requirements in terms of net worth and number of employees and that the position of the Government was not substantially justified, the applicant initially sought \$16,871.88 in attorney fees and costs. The Department of Veterans

¹ Because of the retirement of one judge, the panel has changed from the underlying appeal.

Affairs (agency) objected to \$100 of this amount, which the applicant has dropped from its request. The agency does not object to payment of \$16,771.88.

Based upon the record, the Board concludes that the applicant prevailed on the issue in the underlying appeal, the applicant satisfies the net worth and size requirements of EAJA, the position of the agency was not substantially justified, and the \$16,771.88 presently sought by the applicant reflects compensable fees and expenses at not more than the \$125 per hour maximum.

Decision

The Board **GRANTS** the application; the applicant is entitled to recover \$16,771.88.

JOSEPH A. VERGILIO
Board Judge

We concur:

ALLAN H. GOODMAN
Board Judge

JONATHAN D. ZISCHKAU
Board Judge