



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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April 7, 2016

CBCA 5005-C(4022-RELO)

In the Matter of SHERI L. ELLIS-SMITH

Shaun Southworth and Terina M. Williams of Southworth PC, Atlanta, GA, appearing for Claimant.

Jennifer McGuire, Director of Budget and Finance, Albuquerque Service Center, Forest Service, Department of Agriculture, Albuquerque, NM, appearing for Department of Agriculture.

**HYATT**, Board Judge.

Claimant, Sheri L. Ellis-Smith, asked the Board to review a decision by the Forest Service to disallow certain relocation expenses it had authorized in connection with her move from Bahrain to accept a position with the agency in Ketchikan, Alaska. The Board granted the claim. *Sheri L. Ellis-Smith*, CBCA 4022-RELO, 15-1 BCA ¶ 36,057. Thereafter, Ms. Ellis-Smith filed an application, pursuant to the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504 (2012), for an award of the attorney fees she incurred in conjunction with the claim.

In response to the application, the Board directed claimant's attention to case law holding that proceedings conducted under the Board's authority to settle claims involving expenses incurred by federal civilian employees for official travel and transportation, and for relocation expenses incident to a transfer of an official duty station, are not encompassed within the definition of "adversary adjudication" as defined by EAJA. *Dannette Wood*, CBCA 1681-C(1393-RELO), 09-2 BCA ¶ 34,295; *Dennis Nielsen*, GSBCA 15981-RELO, 03-1 BCA ¶ 32,150 (2002).

After reviewing these decisions, claimant elected to withdraw her application for attorney fees and requests that the matter be dismissed. Accordingly, the application is dismissed.

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CATHERINE B. HYATT  
Board Judge