

ARMED SERVICES BOARD OF CONTRACT APPEALS

Application Under the Equal Access)
to Justice Act of --)
)
Environmental Safety Consultants, Inc.) ASBCA No. 51722
)
Under Contract No. N62470-95-C-2399)

APPEARANCE FOR THE APPELLANT: Mr. Peter C. Nwogu
President

APPEARANCES FOR THE GOVERNMENT: Ronald J. Borro, Esq.
Navy Chief Trial Attorney
Ellen M. Evans, Esq.
Senior Trial Attorney


OPINION BY ADMINISTRATIVE JUDGE FREEMAN ON
MOTION FOR CLARIFICATION AND/OR EVIDENTIARY HEARING

By letter dated 23 December 2013, Environmental Safety Consultants, Inc. (ESCI) filed a "motion for clarification and/or evidentiary hearing" regarding the Board's 3 December 2013 Reconsideration of Denial of an Equal Access to Justice Act Award. Our 3 December 2013 decision affirmed on reconsideration the Board's 26 June 2013 denial of ESCI's application for an award of fees and expenses pursuant to the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504. *Environmental Safety Consultants, Inc.*, ASBCA No. 51722, 13 BCA ¶ 35,352.

Although titled as a motion for clarification, we interpret ESCI's motion as one for reconsideration. ESCI is not entitled to reconsideration of a reconsideration decision. *Environmental Safety Consultants, Inc.*, ASBCA No. 53485, 06-1 BCA ¶ 33,122.

ESCI's motion is dismissed and the Recorder is instructed not to accept any further filings by ESCI relative to this EAJA application.

Dated: 28 January 2014


MONROE E. FREEMAN, JR.
Administrative Judge
Armed Services Board
of Contract Appeals

(Signatures continued)

I concur

A handwritten signature in black ink, appearing to read "Mark N. Stempler", is written over a horizontal line.

MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Opinion and Decision of the Armed Services Board of Contract Appeals on an application for fees and other expenses incurred in connection with ASBCA No. 51722, Appeal of Environmental Safety Consultants, Inc., rendered in accordance with 5 U.S.C. § 504.

Dated:

JEFFREY D. GARDIN
Recorder, Armed Services
Board of Contract Appeals