



United States  
General Accounting Office  
Washington, D.C. 20548

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Office of the General Counsel

**Matter of:** Margaret Howard d/b/a/ River City Van & Storage  
**File:** B-240823  
**Date:** March 19, 1991

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**DECISION**

The Military Traffic Management Command requests an advance decision on the propriety of paying attorneys fees and expenses awarded by the Armed Services Board of Contract Appeals (ASBCA) under the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504. The award was made to Margaret Howard d/b/a/ River City Van & Storage in connection with a Contract Disputes Act appeal in which the company was successful. The firm prevailed before the ASBCA in its appeal of a contracting officer's decision finding it liable for fire damage to household goods stored at the company's warehouse and for attendant cleanup costs.<sup>1/</sup> It is the Army's position that notwithstanding the ASBCA's award, the attorneys fees and expenses were actually incurred by the company's insurance carrier, a large corporation that is not entitled to the benefits of EAJA.

We decline to consider this matter.

Our Office does not have authority to review final decisions of a Board of Contract Appeals which have been rendered under a contract "Disputes" clause. See S&E Contractors, Inc. v. United States, 406 U.S. 1 (1972). Thus, we will not consider matters that are properly the subject of a "Disputes" clause proceeding. See Optimum Systems, Inc., B-194984, B-195424, Dec. 7, 1979, 79-2 CPD ¶ 396.

Robert H. Hunter  
Associate General Counsel

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<sup>1/</sup> See Margaret Howard d/b/a/ River City Van & Storage, 87-2 BCA ¶ 19,691.