

Equal Access to Justice Act*

5 U.S.C. §504; 28 U.S.C. §2412

Adjudications

Fees and costs shall be awarded to the prevailing party, other than the United States, in an **adversarial administrative adjudication** unless the agency position was substantially justified or special circumstances make the award unjust.

The statute provides for the procedure by which a party may seek fees or costs.

The adjudicative officer may under some circumstances reduce or deny an award of fees and costs because of a party's **unreasonable delay** of the proceeding.

The adjudicative officer's decision concerning fees and costs, including findings, conclusions, and reasons, shall be made part of the record of decision and shall be a **final agency action**.

Each agency shall establish procedures for the submission and consideration of **applications** for an award of fees and other expenses.

The statute provides for the procedure to be followed for **judicial review** of an agency's decision on fees and costs.

Judicial actions

A court may award **fees and costs** to the prevailing party in any judicial **civil action** in which the United States, its agency or official (if acting within his or her official capacity) is a party.

A court shall award fees and costs to a prevailing party other than the United States in a civil action, including proceedings for judicial review of an agency action, unless the position of the United States was substantially justified or special circumstances make an award unjust.

The statute provides for the procedure by which the prevailing party may seek fees and costs.

The court may under some circumstances reduce or deny an award of fees and costs because of a party's **unreasonable delay** of the proceeding.