

SERVED: June 2, 2006

NTSB Order No. EA-5227

UNITED STATES OF AMERICA  
**NATIONAL TRANSPORTATION SAFETY BOARD**  
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 31<sup>st</sup> day of May, 2006

_____	)	
APPLICATION OF	)	
	)	
GUS GEORGE YIALAMAS	)	
	)	Docket 313-EAJA-SE-16494
	)	
For an award of attorney	)	
fees and expenses under the	)	
Equal Access to Justice Act	)	
	)	
_____	)	

**ORDER FOR AWARD OF ATTORNEY'S FEES**

Pursuant to the Safety Board's Opinion and Order finding that the Administrator was not substantially justified in pursuing the charges against applicant, Yialamas v. Administrator, NTSB Order No. EA-5211 (Feb. 27, 2006), applicant has submitted invoices clarifying the amount of attorney's fees that he incurred in defending his position in this case. The Administrator has not replied.

We have reviewed the copies of invoices and other supporting documents that applicant has submitted, and find that applicant's request for fees in the amount of \$46,627.93 reflects hourly rates for 2001 and 2002 that are not authorized under 49 C.F.R. § 826.6. The maximum hourly rate for attorney's fees differs for each year, as listed below:

<u>Year</u>	<u>Hourly Rate<sup>1</sup></u>
2001	\$146
2002	\$149

We have re-calculated applicant's attorney's fees according to the appropriate maximum rates listed above, and find that applicant is entitled to an award of \$46,324.28 for attorney's fees.

**ACCORDINGLY, IT IS ORDERED THAT:**

The Administrator shall submit attorney's fees in the amount of \$46,324.28 to applicant in accordance with 49 C.F.R. § 826.40.

ROSENKER, Acting Chairman, and ENGLEMAN CONNERS, HERSMAN, and HIGGINS, Members of the Board, concurred in the above order.

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<sup>1</sup> As stated in the Board's regulations for Equal Access to Justice Act cases, the Board uses Consumer Price Index figures to calculate the maximum amount of attorney's fees available for each year.