

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA MARÍA MALLORY
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 13-044(A)

In Re: Application for Approval of an Attorney's Fee

**GEORGE ASAAH,
Claimant-Petitioner,**

v.

**NURSING ENTERPRISE, INC., and CONTINENTAL CASUALTY COMPANY,
Employer and Insurer-Respondents.**

Eric M. May, for the Claimant-Petitioner
Matthew S. Tidball, for the Employer-Carrier-Respondents

Before: Lawrence D. Tarr, *Chief Administrative Appeals Judge* with HENRY W. MCCOY, and
JEFFERY P. RUSSELL, *Administrative Appeals Judges*.

LAWRENCE D. TARR, for the Compensation Review Board.

ORDER APPROVING AN AWARD OF AN ATTORNEY'S FEE

On October 7, 2013, Claimant's attorney filed an application for an attorney's fee requesting the Compensation Review Board (CRB) assess against the employer and insurer an attorney's fee, ostensibly pursuant to D.C. Code § 32-1530(b) totaling \$11,688.00 for services rendered at the Office of Hearings and Adjudication and at the Compensation Review Board.

The request for services performed on behalf of the claimant at the CRB is for a fee in the amount of \$3,097.00, for 11.7 hours of service¹ at \$240.00 per hour and for reimbursement of costs incurred at the CRB for a trial transcript. Counsel further asserts that as a result of his legal services, claimant received \$30,628.09 in temporary total disability benefits and \$23,943.00 in medical benefits.

¹ On April 5, 2013, Claimant filed an Application for Review of a March 19, 2013 Compensation Order issued by an Administrative Law Judge in the Hearings and Adjudication section (AHD) of the Department of Employment Services. On June 27, 2013, the CRB issued a Decision and Remand Order. On August 26, 2013, the ALJ issued a Compensation Order on Remand (COR). Neither party appealed the COR to the CRB within 30 days, consequently the COR became the final order in this matter as of September 25, 2013.

On October 28, 2013, the CRB issued an Order to Show Cause directing the employer and carrier to show cause by November 7, 2013, why an attorney's fee in the total amount of \$3,097.00 for work performed before the CRB should not be approved, awarded, and assessed against the employer and carrier. To date, the employer and carrier have not responded.

Upon careful review of the application for an attorney's fee and in consideration of D.C. Code § 32-1530, 7 DCMR §§ 224 and 229 and the May 12, 2005 *Department of Employment Services Policy Directive Clarifying the Award of Attorney Fees in Workers' Compensation Cases*, it is hereby Ordered:

Subject to the condition that the total attorney fees awarded and payable for all work performed before the Department of Employment Services' Office of Workers' Compensation, Hearings and Adjudication section, and the Compensation Review Board, is limited to and does not exceed twenty percent (20%) of the actual benefits secured through the efforts of claimant's counsel with respect to the issues arising from OWC No. 694048, AHD No. 12-450 and CRB No. 13-044, as provided by D.C. Code § 32-1530(f) and 7 DCMR § 224, Claimant's counsel's request for an attorney's fee in the total amount of three thousand ninety seven dollars (\$ 3,097.00) for services performed on Claimant's behalf before the CRB is approved, assessed against and payable by the employer and carrier.

FOR THE COMPENSATION REVIEW BOARD:

/s/ *Lawrence D. Tarr*

LAWRENCE D. TARR

Chief Administrative Appeals Judge

November 26, 2013

DATE