

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Department of Employment Services

VINCENT C. GRAY  
MAYOR



LISA M. MALLORY  
DIRECTOR

**COMPENSATION REVIEW BOARD**

**CRB No. 12-028**

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

**SHELTON H. GREEN,**  
**Claimant,**

**v.**

**FEDERAL EXPRESS CORPORATION and**  
**SEDGWICK CMS,**  
**Employer and Insurer.**

Krista N. DeSmyter for the Claimant  
Lisa Zelenak for the Employer and Insurer

HEATHER C. LESLIE, *Administrative Appeals Judge*, for the Compensation Review Board:

**ORDER APPROVING AN AWARD OF ATTORNEY'S FEE**

This case is before the Compensation Review Board (CRB) on the July 3, 2012 application for an attorney's fee, filed by Claimant's counsel Krista DeSmyter, Esq., requesting approval of an attorney fee award, assessed and to be paid by the Employer and Insurer in the amount of one thousand four hundred eighty dollars (\$1,480.00) for 9.25 hours of work, billed at \$160.00 per hour that was asserted to have been performed by claimant's counsel in this appeal before the Compensation Review Board. Counsel was also requesting costs in the amount of \$527.96.

An Order to Show Cause was issued. On July 17, 2012, the Employer responded. The Employer indicated it did not object to the attorneys fee but did object to the requested costs. Employer's counsel objected to the fee, indicating that there was not any supporting documentation to justify the cost attached to the July 3, 2012 fee request.

A review of the application for attorney's fee shows that no supporting documentation was attached justifying the cost request. As such, the Undersigned denies the Claimant's request for costs.

**AWARD**

Upon careful review of Claimant's Fee Application and in consideration of D.C. Official Code § 32-1530 *et seq.*, 7 DCMR §§ 224 and 269 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, Administrative Hearings Division, 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. 677890, AHD No. 11-247, and CRB No. 12-028, as provided by D.C. Official Code § 32-1530(f) and 7 DCMR § 224, Claimant's counsel's request for an attorney's fee in the total sum of one thousand four hundred eighty dollars (\$1,480.00) that was asserted to have been performed by Claimant's counsel in this appeal before the Compensation Review Board is approved, assessed against and payable by the Employer and Carrier, Federal Express Corporation and Sedgewick CMS directly to Claimant's counsel Krista DeSmyter, Esq.

FOR THE COMPENSATION REVIEW BOARD:

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HEATHER C. LESLIE,  
*Administrative Appeals Judge*

July 25, 2012  
DATE