

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA MARÍA MALLORY
DIRECTOR

CRB No. 10-075(R)(A)

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

**HORACE E. HENSLEY,
Claimant,**

v.

**CHEECHI & COMPANY and ATLANTIC MUTUAL INSURANCE COMPANY,
EMPLOYER AND INSURER.**

John Noble, Esquire, for the Claimant
Alan M. Carlo, Esquire, for Employer and Insurer

Before: LAWRENCE D. TARR, *Chief Administrative Appeals Judge*, and
HENRY M. MCCOY, and MELISSA LIN JONES, *Administrative Appeals Judges*

LAWRENCE D. TARR, *Chief Administrative Appeals Judge*, for the Compensation Review Board.

ORDER DENYING ATTORNEY'S FEE

This case is before the Compensation Review Board (CRB) on the request for an assessment of an attorney's fee against the employer filed by claimant's former counsel, John Noble.

In his Petition, Mr. Noble asserts that he spent 4 hours with respect to obtaining an award of penalties before the CRB, that he requests a fee of \$900.00, that the employer and its insurer have consented to paying this fee, and that this fee shall be in addition to the \$31,865.54 paid in penalties paid to the claimant by the employer and insurer for the late payment of compensation.

7 DCMR § 269.2 provides

Notwithstanding the time limits proscribed by 7 DCMR section 109 or 7 DCMR section 224, an application to the Board for the award of an attorney's fee (including, where appropriate, request for reimbursement of costs) for legal work performed before the Board on behalf of a successful claimant shall be filed with the Board within ninety (90) calendar days after the claim for benefits becomes final and all appeals have been exhausted.

The CRB's decision that affirmed the award of penalties issued on November 27, 2012. No appeal was taken so the decision was final on December 27, 2012. Ninety days after December 27, 2012 is March 27, 2012. The application for fees was filed on September 19, 2013, well after the 90 calendar day deadline established by 7 DCMR § 269.2.

Therefore, the Application for Attorney's Fees must be denied.

FOR THE COMPENSATION REVIEW BOARD:

/s/ Lawrence D. Tarr
Chief Administrative Appeals Judge

October 15, 2013
DATE