

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

COMPENSATION REVIEW BOARD

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

CRB No. 14-122(A)

**PAUL McDONALD,
Claimant,**

v.

**TOMPKINS MID-AMERICAN
and LIBERTY MUTUAL INSURANCE CO., et al.,
Employer-Insurer.**

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2015 MAY 11 AM 10 34

Allen J. Lowe for the Claimant
Joseph F. Giordano for Employer Mid-American Elevator
Christopher R. Costabile for Tompkins Mid-American Joint Venture
Sarah M. Burton for Barbee-Curran Elevator Company

Before MELISSA LIN JONES, LINDA F. JORY, and HEATHER C. LESLIE, *Administrative Appeals Judges*.

MELISSA LIN JONES for the Compensation Review Panel.

ORDER DISMISSING APRIL 28, 2015 APPLICATION FOR ASSESSMENT OF AN ATTORNEY'S FEE

This matter is before the Compensation Review Board ("CRB") on a letter request for the assessment of an attorney's fee ("Fee Application") filed by Allen J. Lowe on May 7, 2015.

On October 29, 2014, an Application for Review was filed with the CRB appealing a Compensation Order issued by the Department of Employment Services, Office of Hearings and Adjudication, Administrative Hearings Division. On April 28, 2015, the CRB issued a Decision and Order affirming the Compensation Order.

Pursuant to 7 DCMR § 269.2,

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 April 28, 2015 Decision and Order becomes final 30 days after the date of its issuance if neither party timely files a petition for review with the District of Columbia Court of Appeals. Because the Decision and Order issued by the CRB on April 28, 2015 was not final when Mr. Lowe filed the May 7, 2015 Fee Application, the Fee Application is dismissed without prejudice.

FOR THE COMPENSATION REVIEW BOARD:



MELISSA LIN JONES
Administrative Appeals Judge

May 11, 2015
DATE