

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)(1)

**PAUL McDONALD,
Claimant,**

v.

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

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2015 JUN 12 PM 1 48

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, *Administrative Appeals Judge*, for the Compensation Review Panel.

ORDER APPROVING ASSESSMENT OF AN ATTORNEY'S FEE

On May 7, 2015, Allen J. Lowe filed a letter dated May 6, 2015 requesting the Compensation Review Board ("CRB") assess a fee against Mid-American Elevator and Strategic Comp in the above-captioned matter. Mr. Lowe's request was dismissed as premature in a May 11, 2015 Order Dismissing April 28, 2015 [*sic*] Application for Assessment of an Attorney's Fee.

On June 2, 2015, Mr. Lowe resubmitted his request for the assessment of an attorney's fee ("Fee Application"). Attached to Mr. Lowe's Fee Application is a June 1, 2015 letter duplicating the contents of his May 6, 2015 letter including the same itemization of time and services that had been attached to that letter.

The next day, Joseph F. Giordano filed a letter referencing Mr. Lowe's May 6, 2015 letter and asserting that

[a]lthough a fee has been requested in the amount of \$1,380.00 based on 5.75 hours be [sic] approved in its entirety, plus costs in the amount of \$583.66, Mid-American Elevator and Strategic Comp are unable to evaluate said fee petition and determine whether objection should be raised to it because claimant's counsel has failed to provide an itemization of time and services and costs. Therefore, it is respectfully requested that a complete itemization of all time, services and costs be provided to undersigned counsel, following which a deadline be set for the filing of any objections by the employer and insurer.

Mr. Lowe has not requested payment of any costs, and an itemization of time and services was included with both Mr. Lowe's May 6, 2015 letter and with the Fee Application; therefore, upon careful review of the record pertaining to this proceeding (including the May 6, 2015 letter and the Fee Application) and in consideration of D.C. Official Code § 32-1530, 7 DCMR §§ 224 and 269 *et. seq.* and the May 12, 2005 Department of Employment Services Policy Directive Clarifying the Award of Attorney Fees in Workers' Compensation Cases, it hereby is

ORDERED:

Subject to the condition that the total attorney's fee awarded and payable for all work performed before the Office of Workers' Compensation, the Administrative Hearings Division, and the CRB is limited to and does not exceed twenty percent (20%) of the actual benefits secured as a result of Mr. Lowe's efforts with respect to the issues arising from OWC No. 699998, and OHA No. 14-215, CRB No. 14-122, an award of a reasonable attorney's fee in the amount of One Thousand Three Hundred Eighty Dollars and No Cents (\$1,380.00) is assessed against Mid-American Elevator and Strategic Comp and is payable directly to Allen J. Lowe.

FOR THE COMPENSATION REVIEW BOARD:

/s/ Melissa Lin Jones

MELISSA LIN JONES
Administrative Appeals Judge

June 12, 2015

DATE