

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

COMPENSATION REVIEW BOARD

CRB Nos. 13-012(A), 13-147(A) and 15-049(A)

**RONALD LEIDELMEYER,
Claimant,**

v.

**NBC NEWS and
ELECTRIC INSURANCE COMPANY,
Employer-Insurer.**

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2015 NOV 9 PM 12:15

In Re Application for Approval of an Attorney's Fee Assessment
AHD No. 10-270B, OWC No. 654170

(Issued November 9, 2015)

Robert Blackford for Claimant
W. John Vernon for Employer

Before HEATHER C. LESLIE, LINDA F. JORY and JEFFREY P. RUSSELL, *Administrative Appeals Judges*.

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

ORDER AWARDING AN ATTORNEY'S FEE

Following a Formal Hearing, an administrative law judge ("ALJ") issued a Compensation Order which denied Claimant permanent partial disability benefits for hearing loss in both ears. *Leidelmeyer v. NBC News*, AHD No. 10-279B, OWC No. 654170 (January 16, 2013). Claimant appealed. On April 18, 2013 the Compensation Review Board ("CRB") reversed and remanded the denial of disability benefits. *Leidelmeyer v. NBC News*, CRB No. 13-012, AHD No. 10-279B (April 18, 2013).

A Compensation Order on Remand was issued on October 31, 2013 which awarded Claimant permanent partial disability to the right ear in the amount of 60% and permanent partial disability to the left ear in the amount of 65%. *Leidelmeyer v. NBC News*, AHD No. 10-279B, OWC No. 654170 (October 31, 2013). On April 29, 2014, the CRB vacated and remanded the award of disability benefits. *Leidelmeyer v. NBC News*, CRB No. 13-147, AHD No. 10-279B (April 29, 2014).

A Compensation Order on Remand was issued on February 26, 2015 which awarded Claimant 45% permanent partial disability to both ears. *Leidelmeyer v. NBC News*, AHD No. 10-279B, OWC No. 654170 (February 26, 2015). Employer appealed the order which was affirmed by the CRB. *Leidelmeyer v. NBC News*, CRB No. 15-049, AHD No. 10-279B (August 4, 2015).

On September 10, 2015, Claimant's attorney filed an application for an attorney's fee for all the time spent in front of the CRB during the appeals process, requesting the CRB assess an attorney's fee against Employer in the amount of three thousand ninety six dollars (\$3,096.00) for 12.90 hours of work for CRB No. 13-012, two thousand three hundred twenty eight dollars (\$2,328.00) for 9.7 hours of work for CRB No. 13-147, and one thousand five hundred sixty dollars (\$1,560.00) for 6.5 hours of work, all billed at \$240.00 per hour that was asserted to have been performed by Claimant's counsel in these appeals before the CRB.

Three Orders to Show Cause were issued in response to all three requests by the Chief Administrative Law Judge of the CRB on September 15, 2015, ordering Employer to show cause why an Order for fees should not be approved, awarded and assessed as requested in the fee applications.¹ Employer was ordered to respond before the close of business on September 25, 2015.

Employer has not responded to any of the show cause orders.

Upon careful review of Claimant's Fee Application, and in consideration of D.C. § 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. 654170, AHD No. 10-279B, and CRB No.'s 13-012, 13-147 & 15-049, 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 amount of six thousand nine hundred and eighty four dollars (\$6,984.00) that was asserted to have been performed by Claimant's counsel in these appeals before the Compensation Review Board is approved, assessed against and payable by the Employer.

So ordered.

¹ The Order to Show Cause regarding the fee petition relating to matters of CRB No. 13-147 states the fee application was filed on June 18, 2015. This is an administrative error as the fee application was filed on September 10, 2015.