

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Employment Services
Labor Standards Bureau

Office of Hearings and Adjudication
COMPENSATION REVIEW BOARD



(202) 671-1394-Voice
(202) 673-6402-Fax

CRB No. 05-48

SHANNON DUNAWAY,

Claimant – Petitioner,

v.

POWELL, GOLDSTEIN, FRAZIER & MURPHY AND THE CHUBB GROUP,

Employer/Carrier-Respondent.

Appeal from an Attorney's Fee Order on Remand of
Administrative Law Judge Anand K. Verma
AHD No. 02-014B; OWC No. 525245

Clifton M. Mount, Esquire, for the Petitioner

Robert C. Baker, Esquire, for the Respondent

Before: LINDA F. JORY, FLOYD LEWIS and SHARMAN J MONROE, *Administrative Appeals Judges*

LINDA F. JORY, *Administrative Appeals Judge*, on behalf of the Review Panel:

ORDER OF REMAND

Jurisdiction is conferred upon the Compensation Review Board pursuant to D.C. Official Code §§ 32-1521.01 and 32-1522 (2004), 7 DCMR § 230, and the Department of Employment Services Director's Directive, Administrative Policy Issuance 05-01 (February 5, 2005).¹

¹Pursuant to Administrative Policy Issuance No. 05-01, dated February 5, 2005, the Director of the Department of Employment Services realigned the Office of Hearings and Adjudication to include, *inter alia*, establishment of the Compensation Review Board (CRB) in implementation of the District of Columbia Fiscal Year 2005 Budget Support Act of 2004, Title J, the District of Columbia Workers' Compensation Administrative Reform and Anti-Fraud Amendment Act of 2004, *codified at* D.C. Official Code § 32-1521.01. In accordance with the Director's Directive, the CRB replaces the Office of the Director in providing administrative appellate review and disposition of workers' and disability compensation claims arising under the District of Columbia Workers' Compensation Act of 1979, as amended, D.C. Code Ann. §§ 32-1501 to 32-1545 (2005), and the District of Columbia Government Comprehensive Merit Personnel Act of 1978, as amended, D.C. Code Ann. §§ 1-623.1 to 1-643.7 (2005), including responsibility for administrative appeals filed prior to October 1, 2004, the effective date of the District of Columbia Workers' Compensation Administrative Reform and Anti-Fraud Amendment Act of 2004.

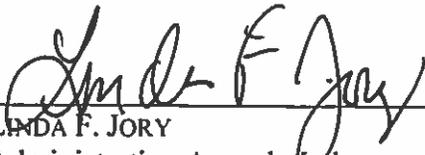
In a decision, June 26, 2007, the D.C. Court of Appeals reversed and remanded the August 12 2005 Decision and Order issued by the Compensation Review Board in this case, which ordered employer to pay counsel for Petitioner an attorney's fee in the amount of \$18,352.50 representing 122.35 hours of work performed before AHD at the prevailing rate of \$150.00.

In its decision, the Court stated "We cannot fault the CRB's decision to vacate the attorney's fee award order by the ALJ in this case. Clearly, the ALJ's conclusion that counsel's hours 'seem inflated' was inadequate to explain a nearly two-thirds reduction of those hours. And while the ALJ did allude to the factors he was required to consider under 7 D.C.M.R. §224.2, it was within the CRB's discretion to demand more analysis of those factor and their application in this case than the ALJ had provided". The court added, however, that "we cannot simply affirm the CRB's order. The CRB should have remanded the case - admittedly, for a second time - for the ALJ to determine the award in accordance with appropriate directions".

Accordingly, it is hereby

ORDERED, that this matter be **REMANDED** to the Administrative Hearings Division for further proceedings consistent with the decision of the D.C. Court of Appeals, a copy of which is attached, specifically for the ALJ to address each of the factor set forth in 7 D.C.M.R. §224.2 and to make sufficiently detailed findings of fact to support his conclusions on the attorney fee he awards.

FOR THE COMPENSATION REVIEW BOARD:



LINDA F. JORY
Administrative Appeals Judge

June 28, 2007
DATE