

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA M. MALLORY
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 12-082 (A)

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

JOHNNIE SHORT,

Claimant,

v.

KOCH CO. PUBLIC SECTOR/INVISTA AND OLD REPUBLIC INSURANCE COMPANY,

Employer and Carrier.

AHD No. 12-015, OWC No. 655721

Cheryl D. Hale, Esquire for the Employer
Mark L. Schaffer, Esquire for the Claimant

Before HEATHER C. LESLIE,¹ JEFFREY P. RUSSELL,² and MELISSA LIN JONES *Administrative Appeals Judges*.

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

ORDER APPROVING AN AWARD OF ATTORNEY'S FEE

On November 19, 2012, claimant's attorney filed an application for an attorney's fee, requesting the Compensation Review Board (CRB) assess against the employer and insurer an attorney's fee totaling two thousand six hundred sixty four dollars (\$2,664.00) for 11.10 hours of work, billed at \$240.00 per hour that was asserted to have been performed by claimant's counsel in this appeal before the Compensation Review Board.

¹Judge Heather C. Leslie is appointed by the Director of DOES as an interim Board member pursuant to DOES Administrative Policy Issuance No. 12-02 (June 20, 2012).

²Judge Russell is appointed by the Director of the DOES as an interim CRB member pursuant to DOES Administrative Policy Issuance No. 12-01 (June 20, 2012).

On November 27, 2012, an Order to Show Cause was issued, ordering the employer and insurer Koch Co. Public Sector/Invista and Old Republic Insurance Company show cause why an Attorney's Fee in the total sum of two thousand six hundred sixty four dollars (\$2,664.00) for work performed before the Compensation Review Board by claimant's counsel should not be approved, awarded and assessed as requested by the Fee Application.

To date, no response from the Employer has been received.

AWARD

Upon careful review of claimant's fee application and in consideration of D.C. Official Code § 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 CRB No. 12-082, AHD No. 12-015, OWC No. 655721, 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 total sum of two thousand six hundred sixty four dollars (\$2,664.00) for 11.10 hours of work is approved, to be assessed against and payable by the employer and carrier, Koch Co. Public Sector/Invista and Old Republic Insurance Company, directly to claimant's counsel, Mark L. Schaffer, Esq.

FOR THE COMPENSATION REVIEW BOARD:

HEATHER C. LESLIE,
Administrative Appeals Judge

January 31, 2013

DATE