

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Department of Employment Services

MURIEL BOWSER  
MAYOR



DEBORAH A. CARROLL  
ACTING DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 14-098 (A)

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

CONSTANCE WARE,  
Claimant,

v.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS,  
Employer.

DEPT. OF EMPLOYMENT  
SERVICES  
COMPENSATION REVIEW  
BOARD  
2015 FEB 9 PM 12 38

Harold L. Levi for the Claimant  
Eric A. Huang for the Employer

Before HEATHER C. LESLIE AND JEFFREY P. RUSSELL, *Administrative Appeals Judges*, LAWRENCE D. TARR, *Chief Administrative Appeals Judge*.

HEATHER C. LESLIE for the Compensation Review Board.

**ORDER DENYING ATTORNEY'S FEE**

Following a Formal Hearing, an Administrative Law Judge ("ALJ") issued a Compensation Order on July 17, 2014 awarding Claimant temporary total disability benefits and payment of causally related medical benefits. *Ware v. D.C. Department of Corrections*, AHD No. PBL 96-083E, DCP No. 761032-0001-1999-0003 (August 18, 2014). Employer appealed, and the Compensation Review Board ("CRB") affirmed the Compensation Order. *Ware v. D.C. Department of Corrections*, CRB No. 14-098, AHD No. PBL 96-083E, DCP No. 761032-0001-1999-0003 (December 12, 2014).

On January 6, 2015, Claimant's attorney filed an application for an attorney's fee, requesting the Compensation Review Board (CRB) assess against the employer an attorney's fee totaling four thousand sixty six dollars (\$4,020.00) for 16.75 hours of work, billed at \$240.00 per hour and forty six dollars (\$46.00) in costs, that was asserted to have been performed by claimant's counsel in this appeal before the Compensation Review Board.

Employer opposed the fee petition on January 22, 2015, stating that Employer had appealed the CRB's Decision and Order of December 12, 2014 to the District of Columbia Court of Appeals (DCCA) on January 12, 2015. Employer's appeal has been docketed by the DCCA as No. 15-AA-020.

Attorney fees are awarded only upon final orders. As this case is currently pending before the DCCA, the request for an award of an attorney's fee is premature at this time.

This request for the award of an attorney's fee is DENIED. Claimant's counsel may resubmit a request for an attorney's fee within ninety (90) calendar days after the claim for benefits becomes final and all appeals have been exhausted.

Failure to comply with this deadline shall result in a denial of the untimely fee request.

FOR THE COMPENSATION REVIEW BOARD:

A handwritten signature in black ink, appearing to read 'Heather C. Leslie', written over a horizontal line.

HEATHER C. LESLIE

*Administrative Appeals Judge*

February 9, 2015

DATE