

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA M. MALLORY
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 12-133(A)

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

LESLIE MCCRORY,

Claimant,

v.

PROVIDENCE HOSPITAL,

Self-Insured Employer.

AHD No. 11-280A, OWC No, 666241

James E. Turner, Esquire, for the Claimant
Todd S. Sapiro, Esquire, for the Self-Insured Employer

Before: HENRY W. MCCOY, HEATHER C. LESLIE,¹ AND JEFFREY P. RUSSELL,² *Administrative Appeals Judges.*

HENRY W. MCCOY, *Administrative Appeals Judge*, for the Compensation Review Board:

ORDER APPROVING AN AWARD OF ATTORNEY'S FEE

This case is before the Compensation Review Board (CRB) on the December 7, 2012 application for an attorney's fee, filed by claimant's counsel James E. Turner, Esq., requesting approval of an attorney fee award, assessed and to be paid by the employer and the third party administrator (employer), in the amount of \$3,588.00 for counsel's work performed before the CRB on behalf of the claimant.

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

² Judge Russell has been 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 December 12, 2012, the employer filed an opposition to claimant's fee application, which, while conceding claimant's counsel is entitled to an award of an attorney fee totaling \$5,972.73, representing 20% of the actual benefit secured by claimant's counsel's work before the Office of Workers' Compensation, Office of Administrative Hearings and the Compensation Review Board, objected to the award of any fees in excess of the 20% of the actual benefit secured through counsel's efforts, as provided by D.C. Code § 32-1530(f),

AWARD

Upon careful review of claimant's fee application, the employer/carrier's opposition to claimant's motion for assessment of counsel fee against the employer 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 OWC No. 666241, AHD No. 11-280A, and CRB No. 12-133, 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 three thousand five hundred eighty-eight dollars (\$3,588.00) is approved, assessed against and payable by the employer, Providence Hospital, directly to claimant's counsel, James E. Turner, Esq.

FOR THE COMPENSATION REVIEW BOARD:

HENRY W. MCCOY
Administrative Appeals Judge

December 18, 2012
DATE

