

**United States Department of Labor
Employees' Compensation Appeals Board**

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In the Matter of H.O., Appellant)	
)	
and)	Docket No. 18-0210
)	Issued: March 15, 2024
DEPARTMENT OF AGRICULTURE, ALL)	
OTHER FOOD SAFETY & INSPECTION)	
SERVICE, Minneapolis, MN, Employer)	
_____)	

Appearances:
Thomas R. Uliase, Esq., for the appellant
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DENYING FEE PETITION

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

Counsel for appellant has filed a fee petition in the amount of \$1,779.00.¹ The Board notes that all petitions for approval of fees for representatives' services are considered under the Board's statutory authority found at section 8127 of the Federal Employees' Compensation Act,² (FECA) and under its *Rules of Procedure* found at 20 C.F.R. § 501.9(e).

As required by the Board's regulations, appellant has been afforded written notice of the fee requested and provided an opportunity to comment on the fee petition.³

As noted above, counsel submitted a fee petition requesting approval of fees in the amount of \$1,779.00 with regard to the appeal assigned Docket No. 18-0210, which was filed with the Board on November 7, 2017. Attached to the fee petition, however, is a billing statement totaling \$1,146.08 for services performed before the Board in 2015 in relation to the appeal assigned

¹ FECA (5 U.S.C. § 8127(b)) and its implementing regulations (20 C.F.R. § 501.9) require the Board to review each fee petition on its own merits and with regard to the unique facts and issues of each appeal.

² 5 U.S.C. § 8127.

³ 20 C.F.R. § 501.9(e).

Docket No. 16-0329. The fee petition requests approval of services from November 5 through December 15, 2015, and documents 3.01 hours spent in connection with the appeal before the Board at \$400.00 per hour for Thomas Uliase, Esquire and \$75.00 per hour for legal secretary Cherryl Leonardo.

Thus, the Board, having considered the fee petition and the submitted supporting documentation, denies the fee petition.

IT IS HEREBY ORDERED THAT the fee petition in the amount of \$1,779.00 is denied and may be resubmitted to the Board within 60 days of the date of this order.

Issued: March 15, 2024
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board