United States Department of Labor Employees' Compensation Appeals Board

In the Matter of C.T., Appellant

and

) Issued: March 4, 2024) CE.)

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U.S. POSTAL SERVICE, POST OFFICE, Anaheim, CA, Employer

Case Submitted on the Record

Docket No. 21-0543

Appearances: Daniel M. Goodkin, Esq., for the appellant Office of Solicitor, for the Director

ORDER GRANTING FEE PETITION

<u>Before:</u> 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 \$7,850.50.¹ 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

In response, appellant, by letter dated September 12, 2022, requested that the Board deny counsel's September 7, 2022 fee petition. She contended that the requested fee of \$7,850.50 was unreasonable and inappropriate. Appellant noted that an accompanying letter, dated December 21, 2021, clearly expressed her disapproval of the requested fee as unreasonable and inappropriate. She further noted that the firm's billing practices were unreasonable, and the

³ 20 C.F.R. § 501.9(e).

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.

work information provided did not sufficiently identify the amount of hours and cost for rendered services. Additionally, appellant noted that she had already been charged \$7,138.00 for services rendered during the period July 23 through December 23, 2020 regarding her appeal before the Board, which included monthly office meetings, the review of documents and e-mails, short telephone calls with Mr. Goodkin, and exchange of e-mails between herself, Yajaira Alvarado, a paralegal, and Catherine Wheeler, a billing coordinator.

In her December 21, 2021 letter, appellant maintained that the requested fees in counsel's November 17, 2021 statement of service and itemized bill were not reasonable and appropriate as the description of the work performed was not clear and the staff that worked on her claim was not identified.

Appellant also submitted a July 23, 2021 letter from Kitana Barrus, a lead administrator, who advised appellant that her file had been closed at counsel's law firm.

In response to appellant's September 12, 2022 letter, Karie Rothschild, an office manager, submitted a September 28, 2022 letter and denied appellant's allegations that clients were billed for conversations with billing staff (Ms. Wheeler), administrative work, and monthly meetings. Additionally, she noted that the requested fee of \$7,850.50 was only for the period December 29, 2020 through March 17, 2021. Ms. Rothschild related that no fee had been requested after July 23, 2021, the date appellant's file was closed at the law firm. She further denied appellant's allegation that the description of charges was vague, noting that the billing statement included the date, initials of a staff member, description of work performed, duration of work billed, and amount charged. Ms. Rothschild maintained that the law firm's billing statement met industry standards. She indicated that appellant's appeal was complex and was authored by Steven E. Brown, who has over 49 years of experience in this specialized field. Additionally, Ms. Rothschild indicated that Mr. Goodkin, who has over 20 years of experience in the specialized field, collaborated with Mr. Brown and reviewed appellant's appeal.

The Board has carefully reviewed the fee petition and finds that it satisfies the requirements of section 501.9(e) of the Board's *Rules of Procedure*.⁴ The evidence of record does not establish, as appellant claims, that counsel's fee petition is unreasonable and inappropriate. The fee petition described the specific services provided for the amount claimed, identified the individuals who performed these services, and was solely based on services performed on appeal before the Board from December 29, 2020 through March 17, 2021.

The Board therefore finds that the fee petition is in compliance with the Board's *Rules of Procedure*.⁵

⁴ *Id*.

⁵ Id.

IT IS HEREBY ORDERED THAT the fee petition is granted in the amount of \$7,850.50.

Issued: March 4, 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