

<sup>2</sup> 20 C.F.R. § 10.703(a).

application to determine whether the amount of the fee is substantially in excess of the value of services received by looking at the following factors: (i) usefulness of the representative's services; (ii) the nature and complexity of the claim; (iii) the actual time spent on development and presentation of the claim; and (iv) customary local charges for services for a representative of similar background and experience.<sup>3</sup>

OWCP procedure provides that, when reduction of attorney's fees is proposed, it will issue a letter to the representative explaining the reasons for the proposed fee reduction and advise him or her to submit evidence or argument against the reduction within 30 days of the letter.<sup>4</sup>

In the present case, OWCP approved only a portion of the attorney's fee request, but it did not provide the attorney an opportunity to submit evidence or argument against the reduction in approved fees. As it did not follow its own procedure, its August 22, 2013 decision will be set aside and the case remanded for proper application of the relevant procedure.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated August 22, 2013 be set aside and the case remanded for further action in conformance with this order of the Board to be followed by an appropriate decision.

Issued: June 3, 2014  
Washington, DC

Patricia Howard Fitzgerald, Acting Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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

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<sup>3</sup> *Id.* at § 10.703(c).

<sup>4</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Representatives' Services*, Chapter 2.1200.6g (June 2012); see *K.C.*, Docket No. 06-2130 (issued July 24, 2007); *Arthur B. Cole*, 36 ECAB 349 (1984).