

BRB No. 14-0381
Case Nos. 2012-LHC-00955, 00956, 00957
OWCP Nos. 18-097887, 097888, 097889

TERRY GRIMM)
)
 Claimant-Petitioner)
)
 v.)
)
 VORTEX MARINE CORPORATION) DATE ISSUED: Aug. 27, 2014
)
 and)
)
 SIGNAL MUTUAL INDEMNITY)
 ASSOCIATION)
)
 Employer/Carrier-)
 Respondents)
)
 GENERAL CONSTRUCTION)
)
 and)
)
 ST. PAUL SPECIALITY RISK SERVICES/)
 SEDGEWICK CMS)
)
 Employer/Carrier-)
 Respondents) ORDER

Claimant has filed a timely notice of appeal of the administrative law judge's Order Holding Attorney Fee Determination in Abeyance, served July 1, 2014. 33 U.S.C. §921(b); 20 C.F.R. §§802.205, 802.207(b) (timely by postmark date). This appeal is assigned the Board's docket number 14-0381. All correspondence concerning this appeal must bear this number. 20 C.F.R. §802.210.

In his Order, the administrative law judge granted the motion of Vortex Marine to hold claimant's counsel's attorney's fee petition in abeyance until all appeals are exhausted. Vortex Marine's appeal of the administrative law judge's decision on the merits is currently pending before the Board under the docket number BRB No. 14-0323.

We dismiss claimant's appeal. An administrative law judge may issue a fee award while an appeal of the underlying compensation order is pending in order to further the goal of administrative efficiency. *See Mowl v. Ingalls Shipbuilding, Inc.*, 32 BRBS 51 (1998); *Williams v. Halter Marine Service, Inc.*, 19 BRBS 248 (1987). However, it is not an abuse of discretion to decline to issue an award under such circumstances, as the Act and applicable regulations do not contain any time constraints. *See generally Baker v. New Orleans Stevedoring Co.*, 1 BRBS 134 (1974). Moreover, fee awards are not final and enforceable until all appeals in the case are exhausted, *Christensen v. Stevedoring Services of America, Inc.*, 430 F.3d 1031, 39 BRBS 79(CRT) (9th Cir. 2005), and claimant's counsel may seek to have the delay in the payment of his fee taken into consideration by the administrative law judge in determining the amount of the attorney's fee. *Johnson v. Director, OWCP*, 183 F.3d 1169, 33 BRBS 112(CRT) (9th Cir. 1999).

Accordingly, claimant's appeal is dismissed.

SO ORDERED.

BETTY JEAN HALL, Acting Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge