



BRB No. 19-0107 BLA

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| JEROME H. DeMOSS |) | |
| |) | |
| Claimant-Respondent |) | |
| |) | |
| v. |) | |
| |) | |
| ISLAND CREEK COAL COMPANY |) | DATE ISSUED: 01/24/2022 |
| |) | |
| Employer-Petitioner |) | |
| |) | |
| DIRECTOR, OFFICE OF WORKERS' |) | |
| COMPENSATION PROGRAMS, UNITED |) | |
| STATES DEPARTMENT OF LABOR |) | |
| |) | ORDER AWARDING AN |
| Party-in-Interest |) | ATTORNEY'S FEE |

Claimant’s counsel has filed a complete, itemized statement requesting an attorney’s fee for services performed before the Board in this appeal. 20 C.F.R. §802.203(a). Counsel requests a total fee of \$13,207.50, representing \$5,950 for 23.8 hours of legal services performed by Attorney Austin P. Vowels at the hourly rate of \$250, \$4,462.50 for 25.5 hours of law clerk services performed by John V. Brown, IV, at an hourly rate of \$175, \$2,535 for 16.9 hours of paralegal services performed by Paralegal Desire Smith at an hourly rate of \$150, and \$260 for 2.6 hours of legal assistant services performed by Sarah Agnew and Jolie DiVetro at an hourly rate of \$100. Employer has not filed objections to counsel’s fee petition.

Upon review of the fee petition, we note that counsel has included time for services incurred before the Office of Workers’ Compensation Programs and the Office of Administrative Law Judges that the Board may not approve. Therefore, we disallow 5 hours of time spent by Attorney Vowels (\$1,250) for services he rendered on November 19, 2018; December 3, 2018; January 2, 2019; January 18, 2019; February 4, 2019; March 22, 2019; March 25, 2019; and September 24, 2021, as work not performed before the Board. For the same reason, we disallow 1.6 hours of legal assistant time (\$160) for services rendered on January 24, 2019; January 29, 2019; February 1, 2019 (both entries);

June 8, 2021; and June 14, 2021. Counsel may seek a fee for these services by filing a separate fee petition with the tribunal before which these services were performed. 20 C.F.R. §725.366. In all other respects, we find the requested fee to be reasonably commensurate with the necessary services performed in defending Claimant's award of benefits. We thus approve a fee of \$11,797.50, for Employer to pay directly to Claimant's counsel.¹ 33 U.S.C. §928, as incorporated by 30 U.S.C. §932(a); 20 C.F.R. §802.203.

Employer is ordered to pay Claimant's counsel an attorney's fee of \$11,797.50.

SO ORDERED.

JONATHAN ROLFE
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge

¹ The Board's award in this matter is of no precedential value given that counsel's fee petition is unopposed.