United States Department of Labor Employees' Compensation Appeals Board

In the Matter of H.O., Appellant)	
and)	Docket No. 18-0210 Issued: May 30, 2025
DEPARTMENT OF AGRICULTURE,)	155ded. 171dy 50, 2025
FOOD SAFETY & INSPECTION SERVICE,)	
Minneapolis, MN, Employer)	
	,	
Appearances:		Case Submitted on the Record
Thomas R. Uliase, Esq., for the appellant		
Office of Solicitor, for the Director		

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 initially filed a fee petition requesting approval of fees 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

By order dated March 15, 2024,⁴ the Board denied the fee petition. It noted that attached to the fee petition was a billing statement totaling \$1,146.08 for services performed before the

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.

 $^{^3}$ Id.

⁴ Order Denying Fee Petition, Docket No. 18-0210 (issued March 15, 2024).

Board in 2015 in relation to the separate appeal assigned Docket No. 16-0329. The document requested approval of services from November 5 through December 15, 2015, and documented 3.01 hours spent in connection with the appeal assigned Docket No. 16-0329 at \$400.00 per hour for Thomas R. Uliase, Esquire, and \$75.00 per hour for legal secretary Cherryl Leonardo. The Board, therefore, denied the fee petition as the submitted documentation did not support counsel's request for approval of fees for services provided in connection with the present appeal, Docket No. 18-0210, which was filed with the Board on November 7, 2017.

Counsel subsequently submitted a corrected fee petition requesting approval of fees in the amount totaling \$1,146.08 for services performed before the Board in relation to Docket No. 18-0210, which was filed with the Board on November 7, 2017. The attached billing statement, however, pertains to services performed in 2015 in relation to Docket No. 16-0329.⁵ To date, counsel has not submitted documentation supporting legal services provided in connection with Docket No. 18-0210.

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

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: May 30, 2025 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

⁵ It is noted that, by order dated March 15, 2024, the Board granted counsel's fee petition for \$1,146.08 in legal services performed before the Board in 2015 in relation to the separate appeal assigned Docket No. 16-0329. *Order Granting Fee Petition*, Docket No. 16-0329 (issued March 15, 2024).