United States Department of Labor Employees' Compensation Appeals Board

In the Matter of E.V., widow of J.V., Appellant))
and) Docket No. 20-0952) Issued: May 29, 2025
DEPARTMENT OF ENERGY, SOUTHEASTERN COURIER SECTION, Oak Ridge, TN, Employer) issued. Way 29, 2023))
Appearances: Marshall Stair, Esq., for the appellant Office of Solicitor, for the Director	Case Submitted on the Record

ORDER DENYING FEE PETITION

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge VALERIE D. EVANS-HARRELL, Alternate Judge

Counsel for appellant has filed a fee petition in the amount of \$2,225.00.¹ The Board notes that all petitions for approval of fees for a representative's services are considered under the Board's statutory authority found at section 8127 of the Federal Employees' Compensation Act² (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 No response was received.

¹ FECA (5 U.S.C. § 8127(b)), and its implementing regulation (20 C.F.R. § 501.9), clearly require the Board to review each fee petition on its own merits and with regard to the unique facts and issues of each appeal. The recognition that each appeal to the Board has unique a spects is reflected in the Board's orders granting or denying fee petitions.

² 5 U.S.C. § 8127.

³ 20 C.F.R. § 501.9(e).

On appeal, counsel submitted a four-page notice of appeal presenting facts and arguments. By decision dated February 2, 2022, the Board affirmed in part and set aside in part the September 30, 2019 decision of the Office of Workers' Compensation Programs (OWCP).

On February 21, 2022 counsel submitted a fee petition and statement of services to the Board, requesting approval of fees totaling \$2,225.00. The statement of services, however, appears to include services performed before OWCP. It fails to clearly delineate services performed before the Board. As the fee petition is not limited to the actual time spent in connection with the Board appeal, the requested fees must be denied.⁴ The Board, having considered the fee petition and supporting documentation, denies the fee petition.⁵

IT IS HEREBY ORDERED THAT the fee petition in the amount of \$2,225.00, is denied and may be resubmitted to the Board within 60 days of the date of this order.

Issued: May 29, 2025 Washington, DC

> Patricia H. Fitzgerald, Deputy Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

⁴ See 20 C.F.R. § 501.9(e).

⁵ The Board notes that, under 20 C.F.R. § 501.9(e), "[n]o claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board." Under 18 U.S.C. § 292, collecting a fee without the approval of the Board may constitute a misdemeanor, subject to fine or imprisonment up to one year, or both.