

PART XI
ATTORNEY FEES

A. BOARD REVIEW OF ATTORNEY FEE AWARDS MADE BELOW

9. LIABILITY FOR ATTORNEY FEES

(c) Fee Related Issues That Must Be Raised *Sua Sponte* by the Board

Where the Board finds that the Trust Fund is liable for at least a portion of the attorney fees and claimant has already paid the fee, the Trust Fund must reimburse the claimant for the money paid by him for which the Trust Fund is liable. ***Fultz v. Director, OWCP***, 4 BLR 1-696 (1982). Where attorney fees are assessed against the claimant improperly, the Board will raise the issue of liability *sua sponte* in the interest of justice. ***Helmick v. Director, OWCP***, 9 BLR 1-161 (1986); ***Wade v. Director, OWCP***, 7 BLR 1-334 (1984); ***Liggett v. Director, OWCP***, 6 BLR 1-340 (1983).

CASE LISTINGS

DIGESTS