

PART XI
ATTORNEY FEES

A. BOARD REVIEW OF ATTORNEY FEE AWARDS MADE BELOW

9. LIABILITY FOR ATTORNEY FEES

(e) Effect of Continued Coal Mine Employment

The fact that claimant continues to work while a claim is being adjudicated has no impact on attorney fee liability. The requirement that claimant must quit coal mine employment within one year after the date of final determination in the case to receive benefits does not affect the fact that the employer specifically declined to pay benefits causing the claimant to hire an attorney who successfully prosecuted claimant's claim. The employer is, therefore, liable for attorney fees. *Hall v. Eastern Associated Coal*, 6 BLR 1-538 (1983).

CASE LISTINGS

DIGESTS

6/95