

HAROLD ODDEN)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
LOUIS DREYFUS CORPORATION)	DATE ISSUED: 04/26/2006
)	
and)	
)	
CRAWFORD & COMPANY)	
)	
Employer/Carrier-)	ORDER on MOTION FOR
Respondent)	RECONSIDERATION

Claimant has timely moved for reconsideration of the Board’s Decision and Order in this case, *Odden v. Louis Dreyfus Corp.*, BRB No. 05-0513 (Jan. 30, 2006). 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407(a). Claimant additionally has filed a petition requesting an attorney’s fee of \$2,615 for work performed before the Board. Employer has filed objections to the fee petition, and claimant has replied seeking an additional \$1,225 in attorney’s fees for preparation of his reply brief.

In his motion for reconsideration, claimant asserts that the Board failed to rule on his motion that this case, BRB No. 05-0513, be consolidated with the appeals filed by the parties, BRB Nos. 04-0722/A and 04-0904/A. We reject this contention, as the Board denied the motion to consolidate in its decision issued on June 16, 2005. *Odden v. Louis Dreyfus Corp.* [*Odden I*], BRB Nos. 04-0722/A, 04-0904 (June 16, 2005), slip op. at 4 n. 3. As claimant does not raise any other issues pertaining to the Board’s disposition of the captioned case, that decision is affirmed.

Claimant’s counsel has filed a petition for an attorney’s fee for work performed before the Board in BRB No. 05-0513.¹ Specifically, he seeks a fee totaling \$3,840,

¹ In its decision, the Board rejected claimant’s requested assertion that the district director did not have the authority to reduce the requested hourly rate of \$275. Nonetheless, the Board modified the district director’s decision to reflect an increased hourly rate of \$225, holding that the district director “improperly distinguished between trial and non-trial work,” in awarding an hourly rate of \$210. *Odden*, slip op. at 3.

representing 7 hours of attorney work at an hourly rate of \$350 and 1.5 hours of legal assistant time at an hourly rate of \$110, plus an additional 3.5 hours of attorney work at an hourly rate of \$350 for preparation of a reply to the objections filed by employer in response to the original petition for an attorney's fee. Although the Board rejected claimant's argument on appeal regarding the district director's authority to reduce an attorney's requested hourly rate, counsel nonetheless succeeded in obtaining an increased fee as a result of his appeal. 20 C.F.R. §802.203(e). We however reduce the hourly rate for attorney work to \$250 as that is reasonable and customary for the area where the services were rendered. 20 C.F.R. §802.203(d)(4). Furthermore, we reduce the requested hours spent in preparation of a reply brief in this case from 3.5 hours to 1.5 hours.

Accordingly, we deny claimant's motion for reconsideration. 20 C.F.R. §802.409. Claimant is awarded an attorney's fee of \$2,275 for work performed before the Board in BRB No. 05-0513, to be paid directly to counsel by employer. 33 U.S.C. §928; 20 C.F.R. §802.203.

SO ORDERED.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge