

| | | |
|-----------------------|---|--------------------|
| FERRELL STUART |) | |
| |) | |
| Claimant-Respondent |) | |
| |) | |
| v. |) | |
| |) | |
| INGALLS SHIPBUILDING, |) | DATE ISSUED:_____ |
| INCORPORATED |) | |
| |) | |
| Self-Insured |) | |
| Employer-Petitioner |) | DECISION and ORDER |

Appeal of the Compensation Order - Award of Attorney's Fee of N. Sandra Ramsey, District Director, United States Department of Labor.

Rebecca J. Ainsworth (Maples & Lomax, P.A.), Pascagoula, Mississippi, for claimant.

Traci M. Castille (Franke, Rainey & Salloum), Gulfport, Mississippi, for self-insured employer.

BEFORE: HALL, Chief Administrative Appeals Judge, SMITH and DOLDER, Administrative Appeals Judges.

PER CURIAM:

Employer appeals the Compensation Order - Award of Attorney's Fee (No. 6-107420) of District Director N. Sandra Ramsey rendered on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.* (the Act). The amount of an attorney's fee award is discretionary and may be set aside only if the challenging party shows it to be arbitrary, capricious, an abuse of discretion, or not in accordance with law. *See, e.g., Muscella v. Sun Shipbuilding & Dry Dock Co.*, 12 BRBS 272 (1980).

Claimant's counsel was awarded an attorney's fee of \$837.50, representing 8.375 hours at \$100 per hour, for work performed before the district director in connection with claimant's hearing loss claim. The district director held claimant liable for \$512.50, representing 5.125 hours of work performed prior to November 5, 1987, when employer received formal notice of the claim and held employer liable for the remaining \$360, representing 3.25 hours, plus \$35 in expenses. Employer appeals the district director's fee award, incorporating by reference the arguments it made below into its appellate brief. Claimant responds, urging affirmance of the fee award.

We need not address the arguments raised on appeal because our review of the Compensation Order in light of the administrative file indicates that the district director's award of attorney's fees is based on the fee petition submitted in another case, *McCuller v. Ingalls*

Shipbuilding, Inc., (No. 6-107421), which has an OWCP Number which is one digit different from that in the present case, No. 6-107420. Accordingly, we vacate the district director's award of attorney's fees and remand for her to reconsider the fee award based on the relevant fee petition and objections filed in this case.

Accordingly, the Compensation Order - Award of Attorneys' Fee of the district director is vacated and the case is remanded for reconsideration consistent with this opinion.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

NANCY S. DOLDER
Administrative Appeals Judge