

BRB Nos. 93-1086  
and 93-2437

DREW WILLIAM PARRISH	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	DATE ISSUED: _____
	)	
INGALLS SHIPBUILDING, INCORPORATED	)	
	)	
Self-Insured	)	
Employer-Petitioner	)	DECISION and ORDER

Appeals of the Supplemental Decision and Order Awarding Attorney's Fees of James W. Kerr, Jr., Administrative Law Judge, United States Department of Labor, and the Compensation Order-Award of Attorney's Fee of N. Sandra Ramsey, District Director, United States Department of Labor.

Mitchell G. Latoff, Sr., (Latoff & Latoff, P.C.), Mobile, Alabama, 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 Supplemental Decision and Order Awarding Attorney's Fees (90-LHC-1547) of Administrative Law Judge James W. Kerr, Jr., and the Compensation Order-Award of Attorney's Fees (No. 6-111574) of N. Sandra Ramsey, District Director, United States Department of Labor, 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 only be set aside if shown by the challenging party to be arbitrary, capricious, an abuse of discretion, or not in accordance with the law. *See, e.g., Muscella v. Sun Shipbuilding & Dry Dock Co.*, 12 BRBS 272 (1980).

Claimant's counsel sought an attorney's fee of \$2,580, representing 15 hours at \$150 per hour and 3 hours at \$110 per hour, for work performed before the administrative law judge in connection with claimant's hearing loss claim. The administrative law judge awarded counsel a fee of \$1,948.75, representing 12.75 hours at an hourly rate of \$125, 3 hours at an hourly rate of \$110, plus expenses of \$25. Claimant's counsel also sought an attorney's fee award of \$1,282.50, representing 8 hours at \$150 per hour and .75 hours at \$110 per hour, for work performed before the district director in connection with this claim. The district director reduced the hourly rate to \$125 for claimant's senior counsel, and to \$110 for claimant's junior counsel, but otherwise found the fee request reasonable. Accordingly, the district director awarded counsel a total fee of \$955, representing 8 hours at an hourly rate of \$110 per hour and .75 hour at \$100 per hour. Employer appeals both the administrative law judge's Supplemental Decision and Order Awarding Attorney's Fees, BRB No. 93-1086, and the district director's Compensation Order- Award of Attorney's Fee, BRB No. 93-2431, incorporating by reference the arguments it made below into its appellate brief. Claimant responds, urging affirmance of both fee awards.

After considering employer's objections to the number of hours awarded, and to the hourly rates, we reject these contentions, as it has not shown that the administrative law judge or the district director abused his or her discretion in this regard. See *Ross v. Ingalls Shipbuilding, Inc.*, 29 BRBS 42 (1995); *Maddon v. Western Asbestos Co.*, 23 BRBS 55 (1989); *Cabral v. General Dynamics Corp.*, 13 BRBS 97 (1981). Employer's specificity arguments are also rejected because the entries contested by employer substantially comply with the regulatory criteria at 20 C.F.R. §702.132. See generally *Hudson v. Ingalls Shipbuilding, Inc.*, 28 BRBS 334 (1994).

Employer's contentions which were not raised below will not be addressed for the first time on appeal. *Bullock v. Ingalls Shipbuilding, Inc.*, 27 BRBS 90 (1993)(*en banc*)(Brown and McGranery, JJ., concurring and dissenting), *modified on other grounds on recon. en banc*, 28 BRBS 102 (1994), *aff'd mem. sub nom. Ingalls Shipbuilding, Inc. v. Director, OWCP [Biggs]*, 46 F.3d 66 (5th Cir. 1995); *Clophus v. Amoco Production Co.*, 21 BRBS 261 (1988).

Accordingly, the Supplemental Decision and Order Awarding Attorney's Fees of the administrative law judge, BRB No. 93-1086, and the Compensation Order-Award of Attorney's Fees, BRB No. 93-2437, are affirmed.

SO ORDERED.

BETTY JEAN HALL, Chief  
Administrative Appeals Judge

ROY P. SMITH  
Administrative Appeals Judge

NANCY S. DOLDER  
Administrative Appeals Judge