

**United States Department of Labor
Employees' Compensation Appeals Board**

_____)
B.M., Appellant)

and)

**DEPARTMENT OF HEALTH & HUMAN
SERVICES, INDIAN HEALTH SERVICE,
PHOENIX INDIAN MEDICAL CENTER,
Phoenix, AZ, Employer**)

**Docket No. 22-1283
Issued: January 2, 2024**

Appearances:

*John A. Beaver, Jr., Esq., for the appellant¹
Office of Solicitor, for the Director*

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On September 2, 2022 appellant, through counsel, filed a timely appeal from an August 1, 2022 merit decision of the Office of Workers Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 22-1283.

In a letter dated December 13, 2023 and received on December 28, 2023, counsel requested that the appeal be withdrawn as the matter has been settled with the Office of Workers' Compensation Programs.

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on an appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; see also 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

The Board has duly considered the matter and concludes that counsel's request for the withdrawal of the appeal should be granted.² Accordingly,

IT IS HEREBY ORDERED THAT counsel's request for the withdrawal of the appeal is granted. The appeal docketed as No. 22-1283 is dismissed.

Issued: January 2, 2024
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

² The Board's decisions and orders are final upon the expiration of 30 days from the date of their issuance. 20 C.F.R. § 501.6(d).