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In the Matter of M.B.,	)	
	)	
and	)	Docket No. 26-0414
	)	Issued: August 19, 2026
	)	
DEFENSE LOGISTICS AGENCY, Albany, GA,	)	
Employer	)	
	)	

Case Submitted on the Record

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

On May 16, 2024 the employee, then a 40-year-old warehousing and stock handling worker, filed a traumatic injury claim alleging that on December 15, 2023 she sustained an emotional/stress-related condition due to harassment and retaliation by the employing establishment. OWCP assigned the claim OWCP File No. xxxxxx042.

On January 15, 2026 OWCP received counsel's fee application in the amount of \$1,457.50 for services rendered from May 1 through December 9, 2025 in relation to the present claim. An itemized statement listing the services provided by counsel and two paralegal assistants was provided. The services rendered included reviewing the file, researching case law, drafting/editing a brief, and responding to the employee's e-mails. Counsel's hourly rate was noted as \$450.00 and the paralegal assistants' hourly rate was noted as \$175.00.

On January 15, 2026 OWCP forwarded a copy of counsel's fee application to the employee and afforded her an opportunity to comment on whether she believed the fee charged

was reasonable and appropriate. It stated, “If we do not hear from you by February 15, 2026 we will assume that you do not wish to comment on the fee, and we will consider the request and approve a fee which is determined to be fair and reasonable.”

On February 17, 2026 OWCP received an undated statement, wherein the employee objected to the counsel’s requested fee in the amount of \$1,457.50. She indicated that her response was late because she had been recovering from giving birth and caring for her newborn infant. The employee asserted that she did not have “meaningful communication” with counsel regarding the reconsideration submission dated December 9, 2025, that she was not consulted regarding the development of additional medical documentation prior to the filing, and that she did provide new medical evidence for submission. She stated, “To my knowledge, no new medical narrative from a qualified physician was submitted in support of reconsideration, which is a critical requirement for OWCP to reconsider a denied claim. Therefore, I question the usefulness and necessity of the services billed, particularly the time attributed to research, drafting, and file review.”

On February 18, 2026 OWCP forwarded the employee’s statement to counsel, at her address of record, and afforded her an opportunity to respond. It stated, “If we do not hear from you by March 21, 2026 we will assume that you do not wish to comment on the fee, and we will consider the request and make a decision based on existing evidence on file.” No response was received.

By decision dated March 23, 2026, OWCP authorized “\$0.00” of counsel’s fee petition. It noted that the “reason for this fee reduction” was that on February 17, 2026 the employee submitted a statement that she was recovering from surgery and had not received any meaningful communication from counsel. OWCP stated, “On [February 18, 2026] we submitted that statement to you and provided you with 30 days to provide a rebuttal. No response was received. Accordingly, a decision is being made based on evidence presented by [the employee].”

The Board has duly considered this matter and shall affirm OWCP’s March 23, 2026 decision. It is not the function of the Board to determine fees for representative services before OWCP. That function is within the discretion of OWCP based on the criteria set forth in Title 20 of the Code of Federal Regulations. Generally, an abuse of discretion is shown through proof of manifest error, clearly unreasonable exercise of judgment, or actions taken which are contrary to both logic and probable deductions from established facts.¹ As noted above, on February 18, 2026, OWCP forwarded a copy of the employee’s objection to the requested fee to counsel, at her address of record.² The Board notes that OWCP afforded counsel sufficient time to respond. However, no response was received. The Board thus finds that OWCP properly denied counsel’s request for authorization of attorney fees. Accordingly,

¹ See *D.T.*, Docket No. 26-0354 (issued June 26, 2026); *R.P.*, Docket No. 18-0681 (issued November 1, 2018); *Claudio Vazquez*, 52 ECAB 496 (2001); *Daniel J. Perea*, 42 ECAB 214, 221 (1990).

² Absent evidence to the contrary, a letter properly addressed and mailed in the ordinary course of business is presumed to have been received. This is called the mailbox rule. See *C.Y.*, Docket No. 18-0263 (issued September 14, 2018).

IT IS HEREBY ORDERED THAT the March 23, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 19, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board