



- (3) The capacity in which the Representative has appeared;<sup>4</sup>
- (4) The actual time spent in connection with the Board appeal;<sup>5</sup> and
- (5) Customary local charges for similar services.<sup>6</sup>

As required by the Board's regulations, appellant has been afforded written notice of the fee requested and provided an opportunity to comment on the fee petition.<sup>7</sup>

The Board, having considered the fee petition and supporting documentation, denies the fee petition. The Board finds that the petition provides insufficient information to allow approval of any portion of the amount claimed. The Board notes the following defects:<sup>8</sup>

- (1) Counsel submitted billing charges dated prior to the filing of appellant's appeal to the Board and did not explain why these charges are relevant to the subject appeal.
- (2) Counsel submitted a second statement which shows "Discounted total of \$1,660.00" which is unexplained.
- (3) The fee petition does not adequately delineate the services performed relative to the appeal(s) before the Board and for what purposes. Discrete, listed services billed separately were not adequately described. Counsel used entries of three or four words to identify and explain the services the Board has been asked to approve.
- (4) The fee petition fails to explain in detail how the claimed fee is justified under the four factors listed in this order. The Board requests that counsel provide information specific to his petition in this appeal rather than generic material unrelated to this appellant.

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<sup>4</sup> The Board's consideration of the "capacity" in which an attorney appears includes, but is not limited to, whether the attorney obtained a written retainer and fee agreement.

<sup>5</sup> The Board's evaluation of an attorney's itemized statement of work and charges includes, but is not limited to, whether the statement is clear, detailed and describes those aspects of the appeal which merit the fee claimed and whether counsel has personally affirmed the correctness of the fee. No stipulated or contingent fee will be approved by the Board. 20 C.F.R. § 501.9(e).

<sup>6</sup> The Board's consideration of customary, local fees recognizes that attorneys often have clients in several states and that local custom must be balanced against national practice in the Federal Employees' Compensation Act appeals.

<sup>7</sup> 20 C.F.R. § 501.9(e).

<sup>8</sup> This list is intended to assist counsel but does not limit the Board's discretion to evaluate any future fee petition on its own merits.

**IT IS HEREBY ORDERED THAT** the fee petition is denied and may be resubmitted to the Board within 60 days of the date of this order.<sup>9</sup>

Issued: January 9, 2015  
Washington, DC

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>9</sup> Michael E. Groom, Alternate Judge, participated in the original decision but was no longer a member of the Board effective December 27, 2014 and did not participate in the preparation of this order.