

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

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In the Matter of E.S., Appellant)	
)	
and)	Docket No. 10-0644
)	Issued: March 5, 2024
U.S. POSTAL SERVICE, POST OFFICE, Philadelphia, PA, Employer)	
_____)	

Appearances:
Thomas R. Uliase, Esq., for the appellant
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER GRANTING FEE PETITION

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge

Counsel for appellant filed a fee petition in the amount of \$2,730.00.¹ The Board notes that all petitions for approval of fees for representatives' services are considered under the Board's statutory authority found at section 8127 of the Federal Employees' Compensation Act,² (FECA) and under its *Rules of Procedure* found at 20 C.F.R. § 501.9(e).³

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.⁴ However, attached to the fee petition is a signed acknowledgement by appellant consenting to the fee in the amount of \$2,730.00.

The requested fees pertain to services performed before the Board in the above-referenced appeal. The Board issued its decision on September 28, 2011, reversing the Office of Workers' Compensation Programs' (OWCP) August 14, 2009 decision finding that it failed to meet its burden of proof to terminate appellant's medical benefits effective July 28, 2008. In its August 14,

¹ FECA (5 U.S.C. § 8127(b)) and its implementing regulations (20 C.F.R. § 501.9) require the Board to review each fee petition on its own merits and with regard to the unique facts and issues of each appeal.

² 5 U.S.C. § 8127.

³ 20 C.F.R. § 501.9(e).

⁴ *Id.*

2009 decision, OWCP found that appellant no longer had disability or residuals causally related to his accepted November 5, 1963 employment injury.

On appeal counsel submitted a seven-page brief addressing the issues on appeal. He cited legal authorities in support of his arguments and identified and argued evidence to challenge OWCP's decision terminating appellant's compensation benefits.

On October 11, 2019 counsel provided a fee petition requesting approval of fees totaling \$2,730.00 addressing the exact amounts that were being claimed for work before the Board. He provided a time and expense statement which specifically addressed the hourly rates charged by him and his associates during his representation.

OWCP's decision on appeal was dated August 14, 2009 and the appeal was filed with the Board on January 19, 2010. The fee petition requests approval of time from January 5, 2010 through December 12, 2011 and documents 10.15 hours spent in connection with this appeal before the Board. The fee petition documents the fees as 4.83 hours at \$400.00 per hour for Thomas Uliase, Esquire, 5.24 hours at \$150.00 per hour for Paralegal Janet F. Kennedy, and .08 hours at \$150.00 per hour for Paralegal William R. Headington. The fee petition described the specific services for the amount claimed.

The Board has reviewed the fee petition and finds that it satisfies the requirements of section 501.9(e) of the Board's implementing regulations.

The Board notes that under 20 C.F.R. § 501.9(e) "[n]o claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board." Under 18 U.S.C. § 292, collecting a fee without the approval of the Board may constitute a misdemeanor, subject to fine or imprisonment for up to a year or both.

IT IS HEREBY ORDERED THAT the fee petition is granted in the amount of \$2,730.00.

Issued: March 5, 2024
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board