United States Department of Labor Employees' Compensation Appeals Board

In the Matter of K.J., Appellant	-))
and) Docket No. 17-1971) Issued: March 26, 2024
DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH ADMINISTRATION,)))
Lyons, NJ, Employer) _)
Appearances: Thomas R. Uliase, Esq., for the appellant	Case Submitted on the Record

ORDER DENYING FEE PETITION

Before:

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

Counsel for appellant has filed a fee petition in the amount of \$1,779.00.¹ 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).

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.³ Attached to the fee petition is a signed acknowledgement by appellant consenting to the fee in the amount of \$1,765.00.

The Board, having considered the fee petition and supporting documentation, denies the fee petition. Enclosed with the fee petition was an itemized statement of services and corresponding fees. The itemized statement, however, includes services that predate

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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).

the appeal in Docket No. 17-1971, and fails to distinguish those services from services performed in connection with Docket No. 17-1971. Furthermore, the requested fee of \$1,779.00 is greater than the \$1,765.00 in fees listed in the itemized statement and appellant's signed acknowledgement of consent. Accordingly,

IT IS HEREBY ORDERED THAT the fee petition in the amount of \$1,765.00 is denied and may be resubmitted to the Board within 60 days of the date of this order.

Issued: March 26, 2024 Washington, DC

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

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