



contributed to her emotional condition.<sup>2</sup> The Board found that appellant did not establish a material worsening of her accepted adjustment reaction on or about August 8, 2006. Further, the Board determined that the medical evidence submitted in support of her claim of consequential emotional conditions did not provide a rationalized opinion explaining causal relationship.

On April 8, 2014 counsel responded to the Board's April 3, 2014 order providing additional information for consideration of the fee request pursuant to 20 C.F.R. § 501.9(e). He noted that appellant approved the amount of the fee in full.<sup>3</sup> He addressed the usefulness of the representative services by noting he submitted legal argument in the claim with citation to Board precedent in support of his contention that appellant's psychological condition had worsened. Although this argument was not accepted by the Board, counsel related that, following the Board's May 9, 2013 decision, additional medical evidence was accepted by OWCP that established her disability as of 2008. Appellant is in receipt of compensation for total disability due to counsel's effort. Counsel also addressed the time his law firm spent on the case, in communication with appellant and addressed the customary local charges for similar services. He specifically addressed the hourly rates charged by the staff of his law firm in this appeal.

The Board has duly considered the matter and finds that the petition sufficiently documents the work performed on behalf of appellant except to the inclusion of billings on February 20 and May 8, 2013. In both instances there were multiple billings by Mr. Goodkin, Ms. Bauer and Mr. Brown under the category of "review of file for status meeting" and "office meeting for case status." The amount billed on February 20, 2013 was \$190.50 for .6 hours. The amount billed on May 8, 2013 was \$199.50 for .5 hours. The Board will disallow these 1.1 hours as excessive and redundant.<sup>4</sup> Deducting \$390.00 from the fee petition, the Board finds that it otherwise satisfies the requirements of section 501.9(e) of the Board's implementing federal regulations.

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<sup>2</sup> See *R.L.*, Docket No. 11-115 (issued June 14, 2011); *Beth P. Chaput*, 37 ECAB 158 (1985).

<sup>3</sup> Counsel cited to the provisions of the Federal (FECA) Procedure Manual, Part 2 -- Claims, *Representatives' Services*, Chapter 2.1200.6 (June 2012) and inquired as to whether they pertain to uncontested fees for work performed before the Board. The procedures implemented by the Office of Workers' Compensation Programs (OWCP) with regard to the consideration of fees are separate from the Board's review of such applications under section 501.9(e). OWCP and the Board are two separate and distinct bodies and separate application to the Board is required for approval of a fee for legal or other services performed in connection with an appeal. *Evelyn R. Adams*, 10 ECAB 585 (1959).

<sup>4</sup> While not directly pertaining to claims under FECA, the Board finds instructive the decision of the United States Supreme Court in *Hensley v. Eckerhart*, 461 U.S. 424 (1983). In any fee petition, counsel must use billing judgment and exclude redundant or unnecessary hours and to confirm that the fee requested is not excessive. Adequate documentation should be submitted to support the hours of work performed with specificity or a reasonably precise description of the work performed on behalf of the client.

**IT IS HEREBY ORDERED THAT** that the fee petition is granted in the amount of one thousand, four hundred, forty-five dollars and fifty cents (\$1,445.50).

Issued: August 25, 2014  
Washington, DC

Patricia Howard Fitzgerald, Acting Chief Judge  
Employees' Compensation Appeals Board

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

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board