



- (3) The capacity in which the Representative has appeared;<sup>5</sup>
- (4) The actual time spent in connection with the Board appeal;<sup>6</sup> and
- (5) Customary local charges for similar services.<sup>7</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>8</sup> No response was received.

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 defect: The fee petition fails to explain in detail how the claimed fee is justified under the five factors listed in this order.

**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: February 12, 2015  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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

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<sup>5</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>6</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>7</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>8</sup> 20 C.F.R. § 501.9(e).

<sup>9</sup> Michael E. Groom, Alternate Judge, participated in the preparation of the prior order, but was no longer a member of the Board effective December 27, 2014.