



RECEIVED
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BRB Nos. 07-0372
and 04-654
Case No. 04 -LHC-1709
OWCP No. 7-139139

LEONARD LASSITER)

Claimant-Respondent)

v.)

NEWPORT NEWS SHIPBUILDING)
AND DRY DOCK COMPANY)

Employer-Petitioner)

DATE ISSUED: MAY 20 2008

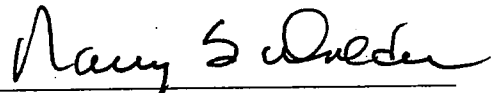
ORDER

Counsel for claimant has filed a completed itemized statement requesting a fee for services preformed in this appeal pursuant to 20 C.F.R. §802.203. Counsel requests a total of \$5, 848.00, representing \$2, 943.00 for 9.81 hours of legal services performed by John H. Klein, Esq. at the hourly rate of \$300.00, \$1,725.00 for 5.75 hours of legal services performed by Charlene Parker Brown, Esq. at the hourly rate of \$300.00, \$1,156.25 for 9.25 hours of services rendered by law clerk, Seth Scot at the hourly rate of \$125.00, and \$23.75 for .25 hour of services rendered by Brandi Luna at the hourly rate of \$95.00. Employer has filed objections to claimant's fee petition.

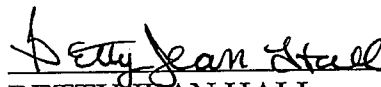
Employer objects to the requested hourly rate of \$300.00 for counsels as excessive and request that it be reduced to \$200.00. Further, employer objects to the \$125.00 hourly rate charged by the law clerk. Employer requests that this time be reduced to \$50.00. After review of the fee petition, the Board has determined that the requested hourly rate of \$300.00 is excessive. An hourly rate of \$250.00 is approved as this rate is reasonable and customary for experienced attorneys in the area where the services were rendered. 20 C.F.R. §802.203(d) (4). Therefore, we reduce the hourly rate to \$250.00 for counsels; John H. Klein, Esq. and Charlene Parker Brown, Esq. However, the Board considers the \$125.00 hourly rate claimed by the law clerk reasonable for the services performed.

Secondly, employer objects to counsel's billing at minimum charges of .50 an hour on July 15, 2004, March 23, 2007, and April 23, 2007, for receipt and review of Board orders as excessive. We agree with employer that counsels' fee for each of these services should not exceed one-quarter-hour minimum billing for these tasks. 20 C.F.R. §802.203. The Board therefore disallows .75 hours of the total 1.50 hours requested for these services. In all other respects, the finds the fee reasonable for the services rendered.

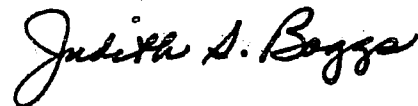
Accordingly, the Board awards a total fee of \$4,913.75 representing \$2,327.50 for 9.31 hours of services rendered by John Klein, Esq. at the hourly rate of \$250.00, \$1,437.50 for 5.75 hours of services rendered by Charlene Parker Brown, Esq. at the hourly rate of \$250, \$1,125.00 for 9.00 hours of services rendered by Seth Scott at the hourly rate of \$125.00, and \$23.75 for .25 hour of services rendered by Brandi Luna at the hourly rate of \$95.00. The fee is to be paid directly to claimant's counsel by employer. 33 U.S.C. §928; 20 C.F.R. §802.203.



NANCY S. DOLDER, Chief
Administrative Appeals Judge



BETTY JEAN HALL
Administrative Appeals Judge



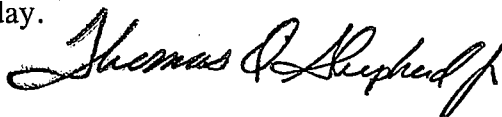
JUDITH S. BOGGS
Administrative Appeals Judge

CERTIFICATE OF SERVICE

- 07-0372 Leonard Lassiter v. Newport News Shipbuilding and Dry Dock Company,
Director, Office of Workers' Compensation Programs (Case No. 03-LHCA-1313)
(OWCP No. 05-0104584)
- 04-0654 Leonard Lassiter v. Newport News Shipbuilding and Dry Dock Company,
Newport News Shipbuilding and Dry Dock Company (Case No. 03-LHCA-1313)
(OWCP No. 05-0104584)

I certify that the parties below were served this day.

MAY 20 2008



(DATE)

Thomas O. Shepherd, Jr.
Clerk of the Board

John H. Klein, Esq.
Montagna, Klein & Camden L.L.P.
425 Monticello Avenue
NORFOLK, VA 23510

--Certified

Leonard Lassiter
214 Aspenwood Drive
HAMPTON, VA 23666

Jonathan H. Walker, Esq.
Mason, Mason, Walker & Hedrick, P.C.
11848 Rock Landing Drive
Suite 201
NEWPORT NEWS, VA 23606

--Certified

Richard A. Seid, Esq.
U.S. Department of Labor
Office of the Solicitor
200 Constitution Ave., N.W.
Suite N-2117
WASHINGTON, DC 20210

Mr. Basil Voultides
District Director
U.S. Department of Labor
ESA/OWCP/DLHWC
Federal Building, Room 212
200 Granby Mall
NORFOLK, VA 23510

Newport News Shipbuilding & Dry Dock
Company
4101 Washington Avenue
Building 625-2
NEWPORT NEWS, VA 23607

--Certified

Certificate of Service Continued

Mr. Allen H. Feldman, Esq.
Associate Solicitor
U.S. Department of Labor
200 Constitution Avenue, N.W.
Suite N-2117, NDOL
WASHINGTON, DC 20210