

## PART XI

### ATTORNEY FEES

#### A. BOARD REVIEW OF ATTORNEY FEE AWARDS MADE BELOW

##### 2. STANDARD OF REVIEW

The standard of review for the Board in analyzing an appellant's arguments on appeal of an attorney fee award is whether the award is arbitrary, capricious or an abuse of discretion. ***Abbott v. Director, OWCP***, 13 BLR 1-15 (1989), *citing* ***Marcum v. Director, OWCP***, 2 BLR 1-894 (1980). As any attorney fee award is discretionary, it will be upheld unless the challenging party timely and convincingly challenges the award on these bases.

#### CASE LISTINGS

#### DIGESTS

The award of an attorney fee is discretionary and will be upheld on appeal unless shown by the challenging party to be arbitrary, capricious, or an abuse of discretion. ***Abbott v. Director, OWCP***, 13 BLR 1-15 (1989), *citing* ***Marcum v. Director, OWCP***, 2 BLR 1-894 (1980).

6/95