

## PART XI

### ATTORNEY FEES

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

##### 8. BOARD MODIFICATION OF ATTORNEY FEE AWARDS

The Board routinely modifies the hourly rates contained in appealed fee awards in the interest of justice when the factual record is complete and the adjudication officer's award is manifestly inadequate. See e.g. ***Gibson v. Director, OWCP***, 9 BLR 1-149 (1986); ***Allen v. Director, OWCP***, 7 BLR 1-330 (1984); see also ***Hilyer v. Morrison-Knudsen Construction Co.***, 670 F.2d 208, 14 BRBS 671 (DC Cir. 1981); cf. ***Director, OWCP v. U.S. Steel Corp. (Baluh)***, 606 F.2d 53, 2 BLR 2-25 (3d Cir. 1979).

#### CASE LISTINGS

[Court held that Board had authority to modify attorney fee award where determination of attorney fee properly based solely on record and complete record was before the Board] ***Hilyer v. Morrison-Knudsen Construction Co.***, 670 F.2d 208, 14 BRBS 671 (DC Cir. 1981).

[Third Circuit held Board exceeded scope of review in modifying attorney fee award when adjudicator failed to make specific findings concerning regulatory requirements relevant to award of such fee] ***Director, OWCP v. U.S. Steel Corp. (Baluh)***, 606 F.2d 53, 2 BLR 2-25 (3d Cir. 1979).

#### DIGESTS