

JAMES OLIVER)	
)	
Claimant-Petitioner)	
)	
v.)	DATE ISSUED: 05/26/2006
)	
ELECTRIC BOAT CORPORATION)	
)	
Self-Insured)	
Employer-Respondent)	DECISION and ORDER

Appeal of the Supplemental Decision and Order Awarding Attorney's Fees of Colleen A. Geraghty, Administrative Law Judge, United States Department of Labor.

Scott N. Roberts, Groton, Connecticut, for claimant.

Edward W. Murphy (Morrison Mahoney LLP), Boston, Massachusetts, for self-insured employer.

Before: DOLDER, Chief Administrative Appeals Judge, SMITH and HALL, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Supplemental Decision and Order Awarding Attorney's Fees (05-LHCA-0797) of Administrative Law Judge Colleen A. Geraghty rendered on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.* (the Act). The amount of an attorney's fee award is discretionary and may be set aside only if the challenging party shows it to be arbitrary, capricious, an abuse of discretion, or not in accordance with law. *See, e.g., Muscella v. Sun Shipbuilding & Dry Dock Co.*, 12 BRBS 272 (1980).

Subsequent to claimant's award of compensation benefits under the Act, claimant's counsel filed a fee petition with the administrative law judge requesting \$8,381.66, representing \$7,781.66 for legal services rendered, and \$600 in costs. Employer filed objections to this fee petition. In reply to employer's objections, claimant's counsel withdrew 1.25 of the hours claimed in his initial fee petition.

In her Supplemental Decision and Order Awarding Attorney's Fees, the administrative law judge denied the one-half hour of travel requested by claimant's counsel; specifically, the administrative law judge determined that the one-half hour round trip between claimant's counsel's office in Groton, Connecticut, and the hearing in New London, Connecticut, constituted incidental overhead for which employer was not liable. Accordingly, the administrative law judge awarded a fee of \$7,944.16, as well as \$600 in costs. Thereafter, in an Erratum and Amended Order, the administrative law judge corrected a mathematical error and awarded claimant's counsel a total fee of \$7,944.16, representing \$7,344.16 for legal services rendered and \$600 in costs.

On appeal, claimant challenges the administrative law judge's denial of the one-half hour requested on June 21, 2005, for round trip travel from his office in Groton to the hearing in New London. Employer responds, urging affirmance.

It is well-established that fees for travel time may be awarded only where the travel is necessary, reasonable, and in excess of that normally considered to be a part of overhead. *See Griffin v. Virginia Int'l Terminals, Inc.*, 29 BRBS 133 (1995); *Neeley v. Newport News Shipbuilding & Dry Dock Co.*, 19 BRBS 138 (1986); *Swain v. Bath Iron Works Corp.*, 14 BRBS 657 (1982); *Harrod v. Newport News Shipbuilding & Dry Dock Co.*, 14 BRBS 592 (1981). In the instant case, the administrative law judge specifically took into consideration the fifteen minutes of travel time between Groton and New London, Connecticut, in concluding that counsel's travel to and from the hearing was not in excess of normal office overhead. Inasmuch as claimant has failed to establish that the administrative law judge's finding in this regard is unreasonable, the administrative law judge's denial of claimant's counsel's request for one-half hour in travel expenses in this case is affirmed. *See Griffin*, 29 BRBS 133; *Ferguson v. Southern States Cooperative*, 27 BRBS 16 (1993).

Accordingly, the Supplemental Decision and Order Awarding Attorney's Fees of the administrative law judge is affirmed.

SO ORDERED.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge