

B.R.)
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 Claimant-Respondent)
)
 v.)
)
 INGALLS SHIPBUILDING,) DATE ISSUED: 09/20/2007
 INCORPORATED)
 d/b/a/ NORTHROP GRUMMAN SHIP)
 SYSTEMS, INCORPORATED)
)
 Self-Insured)
 Employer-Petitioner) DECISION and ORDER

Appeal of the Compensation Order Award of Attorney's Fees of David A. Duhon, District Director, United States Department of Labor.

Donald P. Moore (Franke & Salloum, PLLC), Gulfport, Mississippi, for employer.

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

PER CURIAM:

Employer appeals the Compensation Order Award of Attorney's Fees (Case No. 07-163576) of District Director David A. Duhon rendered on 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 will not be set aside unless shown by the challenging party to be arbitrary, capricious, an abuse of discretion or not in accordance with law. *Muscella v. Sun Shipbuilding & Dry Dock Co.*, 12 BRBS 272 (1980).

Claimant filed a claim for a work-related, left foot injury, alleging that this injury combined with a hereditary condition to result in permanent total disability. In a Decision and Order on Remand, the administrative law judge awarded claimant permanent total disability benefits commencing January 21, 2003. Employer appealed this decision to the Board.

While this appeal was pending, claimant's attorney filed a petition seeking an attorney's fee for work performed before the district director. Employer filed objections to the hourly rate and to specific time entries. In his Compensation Order, the district director reduced the hourly rate to \$200 from the requested \$225, and disallowed 1.25 hours of services. Thus, the district director awarded claimant's counsel a fee of \$1,100, representing 5.5 hours of services at \$200 per hour, payable by employer.

Employer's only contention on appeal regarding the fee award of the district director is that the award should be held in abeyance pending the Board's decision on employer's appeal of the administrative law judge's award of benefits. The Board has issued its Decision and Order in this case, affirming the administrative law judge's decision in all respects. [*B.R.*] v. *Northrop Grumman Ship Systems, Inc.*, BRB No. 06-0514 (Feb. 16, 2007). Inasmuch as we have affirmed the award of benefits, we likewise affirm the district director's fee award. 33 U.S.C. §928.

Accordingly, the district director's Compensation Order Award of Attorney's Fees is affirmed.

SO ORDERED.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge