

U.S. Department of Labor

Administrative Review Board  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

*Todd*



In the Matter of:

RICHARD BARRETT,

ARB CASE NOS. 11-088  
12-013

COMPLAINANT,

ALJ CASE NO. 2010-SOX-031

v.

DATE: JUL 11 2013

E-SMART, TECHNOLOGIES, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearance:

*For the Complainant:*

Patricia Douglass, Esq.; Great Falls, Virginia

Before: Paul M. Igasaki, *Chief Administrative Appeals Judge*; E. Cooper Brown, *Deputy Chief Administrative Appeals Judge*; and Joanne Royce, *Administrative Appeals Judge*

**ORDER AWARDING ATTORNEY'S FEES**

As the prevailing party in this case, the Complainant, Richard Barrett, is entitled to all costs and expenses including attorney's fees reasonably incurred in bringing his complaint. 18 U.S.C.A. § 1514A(c)(2)(C) (Thomson Reuters 2010); 29 C.F.R. § 1980.109(b) (2012). Barrett filed a petition for fees with the Administrative Law Judge (ALJ). With a minor adjustment, the ALJ affirmed Barrett's request. Upon our review, we affirmed the ALJ's award as reasonable. *Barrett v. E-Smart, Tech, Inc.*, ARB Nos. 11-088, 12-013; ALJ No. 2010-SOX-013 (ARB Apr. 25, 2013).

Barrett now files a supplemental petition for attorney's fees for the litigation fees and costs associated with E-Smart's appeal before the Administrative Review Board (ARB). Barrett, through counsel, asks for 63 hours of work at a rate of \$250 per hour. With costs, the

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total amount requested is \$16,532.76. E-Smart did not file a response to Barrett's supplemental petition for fees for work performed before the ARB.

Because the fees are reasonable and in accord with applicable law and because E-Smart does not oppose the award of additional fees for Barrett's litigation costs before the ARB, we **GRANT** the petition for \$16,532.76 in fees and costs.

**SO ORDERED.**

  
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**JOANNE ROYCE**  
Administrative Appeals Judge

  
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**PAUL M. IGASAKI**  
Chief Administrative Appeals Judge

  
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**E. COOPER BROWN**  
Deputy Chief Administrative Appeals Judge