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Supreme Court, Appellate Division, Third Department, New York

Matter of DANIEL JEFFREY, Claimant

v

FRONTIER CELLULAR VERIZON WIRLESS, Respondent

and

HINMAN, HOWARD & KATTELL LLP, Appellant

and

WORKERS' COMPENSATION BOARD

Decided March 30, 2017

Facts: The decedent sustained a work-related injury and retained the appellant law firm to pursue a claim. The claim was established for an injury to the back, and after the decedent passed away, her husband retained the same law firm to file for death benefits. The death claim was controverted and the parties reached a Section 32 compromise. In approving the settlement, the Law Judge reduced the claimant's attorneys requested fee by more than half. The Board Panel Affirmed. The law firm now appeals,

Holding: *Affirmed.*

Discussion: Board decisions concerning counsel fees will only be disturbed when they are arbitrary, capricious, unreasonable or otherwise constitute an abuse of discretion. The Board took into consideration the services rendered by the firm as well as the hours spent and awarded a fee commensurate with same.