

PART XI
ATTORNEY FEES

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

9. LIABILITY FOR ATTORNEY FEES

(b) Lay Representatives

The Trust Fund cannot be held liable for the payment of a lay representative's fee since 33 U.S.C. §928, as incorporated by reference into the Black Lung Benefits Act by 30 U.S.C. §932(a), applies only to the award of attorney fees. ***Madrak v. Director, OWCP***, 7 BLR 1-559 (1984). Therefore, in cases where the Trust Fund is responsible for the payment of benefits, claimant is liable for any fee approved on behalf of the lay representative. *Id.*

CASE LISTINGS

DIGESTS

In this case involving Tim White, an employee of Stone Mountain Health Services, who requested, in effect, that the appeal of the claimant he was assisting be treated as *pro se*, the Board noted that Mr. White had used the term "lay representative," but his statements indicate that he will not be acting as a *bona fide* lay representative, as is authorized to provide counsel to claimants under the Act, see 20 C.F.R. §§725.363(b), 725.365, 725.366, and which are required to adequately brief issues raised by the Board, see ***Burkholder v. Director, OWCP***, 8 BLR 1-58 (1985); 20 C.F.R. §802.211(a), (b), (d), and who may seek fees for services rendered, see 20 C.F.R. §§725.365, 725.367. Rather, the Board stated that it would consider claimant to be representing himself in the appeal. ***Shelton v. Claude V. Keen Trucking Co.***, 19 BLR 1-88 (1995)(Order).