**(a)Attorney’s fee; successful prosecution of claim**

If the [employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=166&term_src=title:33:chapter:18:section:928) or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=31&term_src=title:33:chapter:18:section:928)declines to pay any [compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=271&term_src=title:33:chapter:18:section:928) on or before the thirtieth day after receiving written notice of a claim or [compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=272&term_src=title:33:chapter:18:section:928) having been filed from the [deputy commissioner](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1711221133-262084256&term_occur=86&term_src=title:33:chapter:18:section:928), on the ground that there is no liability for[compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=273&term_src=title:33:chapter:18:section:928)within the provisions of this chapter and the[person](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-991716523-262084262&term_occur=73&term_src=title:33:chapter:18:section:928)seeking benefits shall thereafter have utilized the services of an attorney at law in the successful prosecution of his claim, there shall be awarded, in addition to the award of[compensation,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=274&term_src=title:33:chapter:18:section:928) in a[compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=275&term_src=title:33:chapter:18:section:928)order, a reasonable attorney’s fee against the[employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=167&term_src=title:33:chapter:18:section:928)or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=32&term_src=title:33:chapter:18:section:928)in an amount approved by the [deputy commissioner](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1711221133-262084256&term_occur=87&term_src=title:33:chapter:18:section:928),[Board,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=51&term_src=title:33:chapter:18:section:928) or court, as the case may be, which shall be paid directly by the [employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=168&term_src=title:33:chapter:18:section:928)or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=33&term_src=title:33:chapter:18:section:928)to the attorney for the claimant in a lump sum after the[compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=276&term_src=title:33:chapter:18:section:928) order becomes final.

**(b)Attorney’s fee; successful prosecution for additional compensation; independent medical evaluation of disability controversy; restriction of other assessments**

If the [employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=169&term_src=title:33:chapter:18:section:928) or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=34&term_src=title:33:chapter:18:section:928)pays or tenders payment of [compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=277&term_src=title:33:chapter:18:section:928) without an award pursuant to section 914(a) and (b) of this title, and thereafter a controversy develops over the amount of additional [compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=278&term_src=title:33:chapter:18:section:928), if any, to which the[employee](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469614-262084260&term_occur=204&term_src=title:33:chapter:18:section:928)may be entitled, the [deputy commissioner](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1711221133-262084256&term_occur=88&term_src=title:33:chapter:18:section:928) or[Board](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=52&term_src=title:33:chapter:18:section:928)shall set the matter for an informal conference and following such conference the [deputy commissioner](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1711221133-262084256&term_occur=89&term_src=title:33:chapter:18:section:928) or[Board](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=53&term_src=title:33:chapter:18:section:928)shall recommend in writing a disposition of the controversy. If the[employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=170&term_src=title:33:chapter:18:section:928)or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=35&term_src=title:33:chapter:18:section:928)refuse to accept such written recommendation, within fourteen days after its receipt by them, they shall pay or tender to the[employee](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469614-262084260&term_occur=205&term_src=title:33:chapter:18:section:928)in writing the additional[compensation,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=279&term_src=title:33:chapter:18:section:928) if any, to which they believe the [employee](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469614-262084260&term_occur=206&term_src=title:33:chapter:18:section:928)is entitled. If the[employee](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469614-262084260&term_occur=207&term_src=title:33:chapter:18:section:928)refuses to accept such payment or tender of [compensation,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=280&term_src=title:33:chapter:18:section:928) and thereafter utilizes the services of an attorney at law, and if the [compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=281&term_src=title:33:chapter:18:section:928)thereafter awarded is greater than the amount paid or tendered by the [employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=171&term_src=title:33:chapter:18:section:928)or[carrier,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=36&term_src=title:33:chapter:18:section:928) a reasonable attorney’s fee based solely upon the difference between the amount awarded and the amount tendered or paid shall be awarded in addition to the amount of[compensation.](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=282&term_src=title:33:chapter:18:section:928) The foregoing sentence shall not apply if the controversy relates to degree or length of[disability,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-372011260-465322518&term_occur=112&term_src=title:33:chapter:18:section:928) and if the[employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=172&term_src=title:33:chapter:18:section:928)or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=37&term_src=title:33:chapter:18:section:928)offers to submit the case for evaluation by physicians employed or selected by the[Secretary,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1264422296-262084257&term_occur=128&term_src=title:33:chapter:18:section:928) as authorized in [section 907(e) of this title](https://www.law.cornell.edu/uscode/text/33/907#e) and offers to tender an amount of[compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=283&term_src=title:33:chapter:18:section:928)based upon the degree or length of[disability](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-372011260-465322518&term_occur=113&term_src=title:33:chapter:18:section:928)found by the independent medical report at such time as an evaluation of[disability](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-372011260-465322518&term_occur=114&term_src=title:33:chapter:18:section:928)can be made. If the claimant is successful in review proceedings before the[Board](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=54&term_src=title:33:chapter:18:section:928)or court in any such case an award may be made in favor of the claimant and against the[employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=173&term_src=title:33:chapter:18:section:928)or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=38&term_src=title:33:chapter:18:section:928)for a reasonable attorney’s fee for claimant’s counsel in accord with the above provisions. In all other cases any claim for legal services shall not be assessed against the[employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=174&term_src=title:33:chapter:18:section:928)or[carrier.](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=39&term_src=title:33:chapter:18:section:928)

**(c)Approval; payment; lien**

In all cases fees for attorneys representing the claimant shall be approved in the manner herein provided. If any proceedings are had before the [Board](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=55&term_src=title:33:chapter:18:section:928) or any court for review of any action, award, order, or decision, the [Board](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=56&term_src=title:33:chapter:18:section:928) or court may approve an attorney’s fee for the work done before it by the attorney for the claimant. An approved attorney’s fee, in cases in which the obligation to pay the fee is upon the claimant, may be made a lien upon the [compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=284&term_src=title:33:chapter:18:section:928) due under an award; and the [deputy commissioner](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1711221133-262084256&term_occur=90&term_src=title:33:chapter:18:section:928),[Board,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=57&term_src=title:33:chapter:18:section:928) or court shall fix in the award approving the fee, such lien and manner of payment.

**(d)Costs; witnesses’ fees and mileage; prohibition against diminution of compensation to claimant**

In cases where an attorney’s fee is awarded against an [employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=175&term_src=title:33:chapter:18:section:928) or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=40&term_src=title:33:chapter:18:section:928)there may be further assessed against such [employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=176&term_src=title:33:chapter:18:section:928) or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=41&term_src=title:33:chapter:18:section:928)as costs, fees and mileage for necessary witnesses attending the hearing at the instance of claimant. Both the necessity for the witness and the reasonableness of the fees of expert witnesses must be approved by the hearing officer, the[Board,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=58&term_src=title:33:chapter:18:section:928) or the court, as the case may be. The amounts awarded against an [employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1193469627-262084259&term_occur=177&term_src=title:33:chapter:18:section:928) or[carrier](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-554360568-262084258&term_occur=42&term_src=title:33:chapter:18:section:928)as attorney’s fees, costs, fees and mileage for witnesses shall not in any respect affect or diminish the [compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=285&term_src=title:33:chapter:18:section:928) payable under this chapter.

**(e)Unapproved fees; solicitation; penalty**

A [person](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-991716523-262084262&term_occur=74&term_src=title:33:chapter:18:section:928) who receives a fee, gratuity, or other consideration on account of services rendered as a[representative](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-671065699-261993879&term_occur=111&term_src=title:33:chapter:18:section:928)of a claimant, unless the consideration is approved by the [deputy commissioner](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-1711221133-262084256&term_occur=91&term_src=title:33:chapter:18:section:928), administrative law judge,[Board,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-64356038-465322549&term_occur=59&term_src=title:33:chapter:18:section:928) or court, or who makes it a business to solicit employment for a lawyer, or for himself, with respect to a claim or award for [compensation](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-194234246-465322520&term_occur=286&term_src=title:33:chapter:18:section:928)under this chapter, shall, upon conviction thereof, for each offense be punished by a fine of not more than $1,000 or be imprisoned for not more than one year, or both.