

ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO
REPRESENTATIVE FEE APPLICATIONS

OMB Control Number: 1240-0049

OMB Expiration Date: July 31, 2025

SUPPORTING STATEMENT

**ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO
REPRESENTATIVE FEE APPLICATIONS
(FORM CA-143/CA-155)
OMB NO. 1240-0049**

This ICR seeks to extend this information collection.

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collections. Attach a copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information.

Under 5 U.S.C. § 8127(a) and in accordance with 20 C.F.R. §§ 10.700 and 702.131, a claimant may authorize an attorney or other individual to represent his or her interests in any proceeding before the Office of Workers' Compensation Programs (OWCP). Under 5 U.S.C. § 8127(b) and in accordance with 20 C.F.R. §§ 10.702 and 702.132, fees for representatives' services must first be approved by the Secretary. The representative is entitled to request a fee for services under 20 CFR 10.700 -.703 (Federal Employees' Compensation Act (FECA)). The fee must be approved by the OWCP before any demand for payment can be made by the representative.

See: <https://www.dol.gov/owcp/dfec/regs/statutes/feca.htm>

[eCFR: 20 CFR Part 10 -- Claims for Compensation Under the Federal Employees' Compensation Act, as Amended](#)

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Under the FECA, the representative is required to submit for review any fees resulting from representing the claimant in filing for benefits. The program does not make payment but reviews the fee request to ensure that it is consistent with services provided, and with customary local charges for similar services. A representative is not prohibited from submitting a fee request before the claim is resolved, and then requesting approval of additional services rendered. Fee requests received have been used to approve attorney's fees, allowing the attorney to pursue payment of an appropriate amount from the claimant. If the claimant disagrees with the fee, DFEC evaluates the objection, and issues a formal decision to approve, modify, or deny the fee.

If the information were not collected, OWCP would be unable to properly evaluate applications for representatives' fees.

ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO
REPRESENTATIVE FEE APPLICATIONS

OMB Control Number: 1240-0049

OMB Expiration Date: July 31, 2025

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

OWCP claims staff use a CA-143/CA-155, which is initiated solely by OWCP (not the general public) after receipt of a signed letter from a claimant that he or she has legal representation for a claim. The purpose of the CA-143/CA-155 is to acknowledge receipt of a statement designating the attorney as the legal representative and to advise of the OWCP's procedures relative to representatives' fee applications.

The attorneys then submit fees via their own letterhead in response to our request. Burden has been minimized to the extent possible by allowing the information to be submitted in whatever format is convenient to the respondent.

Attorneys have the option to submit fee requests via mail. However, as a means to reduce attorney mailing costs, they also have the option to submit their fee requests electronically via the Employee Compensation Operations and Management Portal (ECOMP) which is internet based and allows users the ability to submit documents electronically to a claim. There is no cost to the user. The web portal can be accessed at [ECOMP - U.S. Department of Labor \(dol.gov\)](https://ecomp.dol.gov).

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

The information requested in this collection is unique to the particular claim in which it is provided and is not available from any other source.

5. If the collection information impacts small businesses or other small entities, describe any methods used to minimize burden

To the extent that some law firms are incorporated and have a small number of attorneys practicing within the firm, the collection affects small businesses. Experience has proved that the amount of information requested is the minimal amount necessary to substantiate the representatives' claim. The respondents are not required to use any particular form and may submit their fee on their own letterhead.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information is provided on as submitted basis. Representatives submit a fee approval request when they have complied with the applicable statute governing the program under which

ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO
REPRESENTATIVE FEE APPLICATIONS

OMB Control Number: 1240-0049

OMB Expiration Date: July 31, 2025

they are applying. If the information were collected less frequently, fees for services could not be claimed and the intent of the law and regulations, which is to pay representatives of eligible claimants, would not be met.

7. Explain any special circumstance that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances required in the collection of this information.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically, address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping,

ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO REPRESENTATIVE FEE APPLICATIONS

OMB Control Number: 1240-0049
OMB Expiration Date: July 31, 2025

disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

OWCP has been evaluating the Attorney Acknowledgement/Instructions Relating to Representative Fee Applications for years and has had sufficient experience to maximize its utility. OWCP has not received any complaints about the manner in which the form has been used. To comply with M-22-10, the individuals/organizations consulted about the information collection are listed in the table below. We have redacted their names and contact information.

Contact	Organization	Email	Phone
Atty Dan XXXX		XXX	XXX
Atty Wayne XXXX		XXX	XXX
Atty Jeff XXXX		XXX	XXX

We received a couple of comments. One comment asked that the language on the CA-143 Attorney Acknowledgement Cover letter be changed to reflect that the attorney fee request was not adjudicated at the same time as the case adjudication. We agree with the comment and have changed the last sentence in the letter from: *If a representative submits a fee application in accordance with the enclosed instructions, it will be acted upon at the same time as the case is adjudicated.* The sentence now reads: *If a representative submits a fee application in accordance with the enclosed instructions, it will be acted upon within a reasonable time frame.*

The second comment we received asked that language be included to reflect that OWCP does not pay for attorney fees. We agree with this comment. A sentence was added to the second paragraph on page 3 of the Instructions Relating to Representative Fee Applications that states *OWCP does not pay attorney fees.*

A Federal Register Notice inviting public comment, 89 FR 102957, was published on December 18, 2024. Comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.

ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO REPRESENTATIVE FEE APPLICATIONS

OMB Control Number: 1240-0049
 OMB Expiration Date: July 31, 2025

The information collected by these forms is maintained in FECA claim files, which are fully protected under the Privacy Act. The applicable Privacy Act system of records is DOL/GOV-1. The Privacy Act Statement has been added to the various forms that are associated with this information collection. See [DOL/GOVT-1 | U.S. Department of Labor](#).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary; the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature contained on the form.

12. Provide estimates of the hour burden of the collection of information.

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	No. of Respondents	No. or Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of the Burden Cost
CA-143/ CA-155	6,328	1	6,328	0.5	3,164	\$350.00	\$1,107,400.00

ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO
REPRESENTATIVE FEE APPLICATIONS

OMB Control Number: 1240-0049

OMB Expiration Date: July 31, 2025

The number of respondents for FECA is noted as 6,328. This figure is based on information for the CY2022-2024. We have estimated the burden for FECA at approximately 30 minutes to assemble, prepare, and submit the required fee request information. Total burden for FECA is therefore estimated at 3,164 hours.

$(6,328 \times .5/\text{hr} = 3,164)$.

The monetized value of burden costs for completion of attorney fee requests is calculated using an estimated hourly rate of \$350.00 for representatives who practice under the FECA. This hourly rate is based on reviews of fees approved under the FECA and is considered an average. The computation is therefore as follows: $\$350/\text{hr} \times 3,164 = \$1,107,400.00$

13. Provide an estimate of the total annual cost burden or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and startup cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO REPRESENTATIVE FEE APPLICATIONS

OMB Control Number: 1240-0049
 OMB Expiration Date: July 31, 2025

This information collection does not require the use of systems or technology for generating, maintaining or disclosing the data above that which would already be kept as a customary business practice.

The mailing cost of \$1.52 (\$0.73 postage + \$0.03 envelope x 2) covering the mailing of a copy to the FECA Program Office and a copy to the employee is applied. Operation costs and amounts equates to \$9,619.00 (\$1.52 X 6,328 = \$9,618.56 or \$9,619.00 rounded). However, 80% of the fee requests are submitted via ECOMP, which adjusts the total mailing costs to \$1,924.00.

6,328 responses x .80 = 5,062.40 or 5,062 rounded
 5,062 x \$1.52 = \$7,694.24 or \$7,694.00 rounded
 \$9,619.00 minus 80% electronically submitted to FECA Program Office (\$7,694.00) = \$1,925.00 (\$9,619.00 - \$7,694.00 = \$1,925.00 rounded)

The total combined costs for FECA respondents are \$1,925.00

14. Provide estimates of annualized cost to the Federal government.

Approximately 6,328 requests are reviewed on an annual basis. The request is reviewed by a Claims Examiner with an average grade of GS 12/8, at an hourly rate of \$51.39.

See https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/RUS_h.pdf

Review of these fee requests averages about a 1/2 hour (\$51.39 per hour x .5 = \$25.695 or \$25.70 rounded). In addition, a mailing cost covering the mailing of an original fee request of \$1.52 (\$0.73 postage + \$0.03 envelope charge) x 2 (copies to the respondent, claimant) is associated with each approved fee. The computations are as follows:

Review Cost: 6,328 X (.5) X \$51.39 per hr = \$162,597.96 or \$162,598.00 rounded
 Mailing Cost: 6,328 X \$1.52 = \$9,618.56 or \$9,619.00 rounded

Total Federal Costs:

Description	Cost
Review Cost	\$162,598.00
Mailing Costs	\$ 9,619.00
Annual ECOMP Contract Pricing Hosting	\$ 8,143.00 ¹

¹The ECOMP cost is \$285,000.00 for FY 2019. There are 35 forms which require OMB approval which can be downloaded through ECOMP. These forms are CA-2a, CA-5, CA-5b, CA-7, CA-12, CA-15, CA-16, CA-17, CA-20, CA-40, CA-41, CA-42, CA-155, CA-278, CA-721, CA-722, CA-1027, CA-1031, CA-1032, CA-1074, CA-1087, CA-1090, CA-1108, CA-1122, CA-1143, CA-1305, CA-1331, CA-2231, OWCP-5a, OWCP-5b, OWCP-5c, OWCP-16, OWCP-17, OWCP-20, and OWCP-44. The ECOMP figure used was based on the average cost for each of those collections, or 1/35 of \$285,000.00, which is \$8,142.86, or \$8,143.00 rounded.

ATTORNEY ACKNOWLEDGEMENT/INSTRUCTIONS RELATING TO
REPRESENTATIVE FEE APPLICATIONS

OMB Control Number: 1240-0049

OMB Expiration Date: July 31, 2025

TOTAL	\$180,360.00 (rounded)
--------------	-------------------------------

15. Explain the reasons for any program changes or adjustments.

The previously approved number of respondents has increased from 4,035 to 6,328, which is a difference of 2,293. Consequently, burden hours have also increased, which were previously noted as 2,018, now adjusted to 3,164, a difference of 1,146. We attribute this increase as a result of an increase in the number of claimants opting to have an authorized representative on their claims. There are no planned major changes to this letter at this time.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.

This information will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no specific forms used to submit fee requests. The parties submit the fee requests on their own letterhead. The OMB number and expiration date appear on the FECA cover letter for the instructions.

18. Explain each exception to the certification statement identified in ROCIS.

There are no exceptions to the certification.

B. Collections of Information Employing Statistical Methods:

Statistical methods are not used in these collections of information.