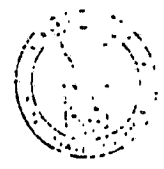


U.S. Department of Labor

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Federal Employees' Compensation
400 West Bay Street P.O. Box 36449
Jacksonville FL 32202
904-791-2821



December 13, 1982

General File

Mr. Jo Jo Kelly
Upper Piedmont South Carolina Area Local
A.P.W.U. AFL - CIO
P. O. Box 1425
Greenville, S. C. 29602

Dear Mr. Kelly:

I have reference to your letter dated September 9, 1982, a copy of which is enclosed herewith for your ready reference, and I apologize for the delay in my reply.

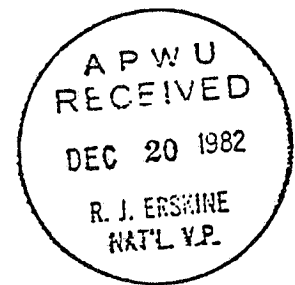
The Federal Employees' Compensation Act (5 USC 8101 and following) does not provide that persons chosen by claimants to represent them must be attorneys.

The Federal Employees' Compensation Act (FECA) in Section 8127 addresses the matters of "representation" and "attorneys' fees." Section 8127 provides as follows:

- "(a) A claimant may authorize an individual to represent him in any proceeding under this subchapter before the Secretary of Labor.
- (b) A claim for legal or other services furnished in respect to a case, claim, or award for compensation under this subchapter is valid only if approved by the secretary."

Enclosed herewith is a copy of the Federal Register dated February 14, 1975 which contains the Regulations which govern the administration of the Federal Employees' Compensation Act. Sections 10.142 through 10.145 pertain to representation of claimants and fees for the services of claimants' representatives.


Section 10.145 (b) (6) means that the Department of Labor must include the matter of the professional qualifications of the representative among other matters in determining the amount of a fee to approve. This would pertain to a union representative if he/she applies to the Department of Labor for approval of a fee for services.



- 2 -

While the matter of representation of a claimant by a union representative is not specifically addressed in the Regulations, I believe that it would be appropriate for the Office of Workers' Compensation Programs in considering an application submitted by a union representative for approval of a fee for services to ascertain the policy of the union in such matter and whether the representative received a salary or wage from the union for such services.

Sincerely,



Robert J. Haerberle
Special Claims Examiner

Enclosure

smt