

**COMMONWEALTH OF MASSACHUSETTS**

**DEPARTMENT OF  
INDUSTRIAL ACCIDENTS**

Satwant Saini  
Jeffco Fibers, Inc.  
One Beacon Insurance Co.

**BOARD NO. 044894-91**

Employee  
Employer  
Insurer

**REVIEWING BOARD DECISION**

(Judges Harpin and Horan)<sup>1</sup>

This case was heard by Administrative Judge Taub.

**APPEARANCES**

Charles E. Berg, Esq., for the employee at hearing  
James N. Ellis, Esq., for the employee on appeal  
Brian T. Dougan, Esq., for the insurer

**HARPIN, J.** In Saini v. Jeffco Fibers, 30 Mass. Workers' Comp. Rep. \_\_\_\_ (November 11, 2016), we affirmed a hearing decision dismissing the employee's claim due to his failure to pay the appeal fee required by G. L. c. 152, § 11A(2). We also determined that appeal had been advanced without reasonable grounds in violation of G. L. c. 152, § 14(a). Accordingly, we directed the insurer's attorney to submit an affidavit describing the fees and costs associated with his defense of the claim. Insurer's counsel filed his affidavit on November 17, 2016. Employee's counsel has not responded to the affidavit within the time frame provided in Saini, supra.

We have reviewed the affidavit and find that \$2,875.00 was expended in defending the employee's appeal of the hearing decision. Accordingly, we order the employee's counsel to pay the insurer a penalty in that amount. Cotter v. Hawkeye Construction Co., 22 Mass. Workers' Comp. Rep. 213 (2008).

So ordered.

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William C. Harpin  
Administrative Law Judge

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Mark D. Horan  
Administrative Law Judge

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<sup>1</sup> Judge Levine, originally a member of the panel, has retired.

Filed: **December 27, 2016**