



Issue Date: 01 November 2012

CASE NO.: 2012-LHC-01704  
OWCP NO.: 06-212961

*In the Matter of:*

ROBERTO MIRABAL,  
*Claimant,*

v.

ROSIOLI YACHTING CENTER,  
*Employer,*

*and*

ZENITH INSURANCE COMPANY,  
*Carrier.*

**DECISION AND ORDER APPROVING SETTLEMENT**

On August 27, 2012, the parties in the above-captioned matter submitted a settlement agreement for review and approval pursuant to Section 8(i)(1) of the Longshore and Harbor Workers' Compensation Act (the "Act"). On September 17, 2012, I issued a Notice of Deficiency identifying several deficiencies in the submitted settlement application. Thereafter, on October 12, 2012, the parties submitted and amended Application For Approval of Agreed Settlement – Section 8(i).

Upon consideration of the totality of the record including the parties' stipulations, I find that the proposed revised settlement is adequate and not procured by duress. 20 C.F.R. § 702.243(f). Claimant is represented by the law firm of Gillis, Mermell & Pacheco, P.A., and the settlement application contains an application for attorney's fees and expenses to which the parties have agreed as part of their settlement. I find that the fee application complies with the requirements of 20 C.F.R. § 702.132(a) and that the fees and costs requested are reasonably commensurate with the necessary work done, taking into account the quality of representation, the complexity of the legal issues involved and the amount of benefits obtained.

Accordingly, it is hereby ORDERED:

1. Settlement in the amount set forth in the settlement agreement is approved, and the parties are directed to carry out the terms of the settlement;
2. Employer shall pay Claimant the total amount of \$104,500.00 in a lump sum;
3. In addition to the amount identified in paragraph 2, Employer shall pay \$25,400.00 to the law firm of Gillis, Mermell & Pacheco, P.A. in full satisfaction of attorney's fees and costs expended while representing Claimant in this matter;<sup>1</sup>
4. Upon payment of the amounts set forth in paragraphs 2 and 3 above, Employer shall be discharged from liability for all past, present, and future compensation and medical benefits under the Act for Claimant's injury of August 16, 2011; and
5. Upon payment of the amounts set forth in paragraphs 2 and 3 above, the file of OWCP No. 06-212961 shall be closed, subject to the limitations of the Act.

**SO ORDERED.**

PAUL C. JOHNSON, JR.  
Associate Chief Administrative Law Judge

---

<sup>1</sup> The settlement application reflects that Claimant was previously represented by Attorney Scott Cohen in a state workers' compensation case arising out of the same injury; that Attorney Cohen has agreed to accept \$400 in full and final satisfaction of any entitlement to attorney's fees and costs (Sett. App., Exh. B); and that this amount shall be paid to Attorney Cohen directly by Attorney Pacheco out of the \$25,400 allocated in the settlement agreement to attorney's fees and costs. Sett. App. at 9.