

APPEAL NO. 92375

On June 19, 1992, a contested case hearing involving attorney fees was held in Galveston, Texas, (hearing officer) presiding as hearing officer. He determined that attorney fees in the amount of \$307.50 be paid to appellant's former counsel. Appellant filed correspondence generally contesting the decision of the hearing officer and requesting that another hearing be ordered. No response has been filed.

DECISION

Finding no abuse of discretion in the hearing officer's determination in this case, we affirm.

Appellant requested the contested case hearing urging that he should not have to pay the attorney fees awarded his former counsel. He was generally dissatisfied with the services of his attorney, felt she had not accomplished much for him in any semblance of a timely manner, and claimed she was now charging him for services she had previously billed. Regarding the latter matter, it appeared that some items may have been included in an earlier bill that had not been approved and was sent back for additional documentation prior to resubmission. The hearing officer states in his Decision and Order that the attorney submitted a detailed accounting of the time for which she billed the appellant and noted that the charges were appropriate. There was evidence to indicate that matters were not settled as quickly as might be desired and that the appellant became frustrated with the delays and lack of results while still being billed. The attorney testified as to a number of bureaucratic problems encountered and advised the appellant that he could do many of the things himself. The appellant subsequently terminated the attorney's services.

It was readily apparent in reviewing the record in this case that there was a communication problem between attorney and client, and that both sides bore some of the responsibility for that situation. The hearing officer noted that "[b]oth of the contestants are honest and were candid." During the hearing, the hearing officer went through, in some detail, the affidavit and supporting matters justifying the charges of \$307.50. We do not find any indication that the Texas Workers' Compensation Act, TEX. REV. CIV. STAT. ANN. art 8308-4.09 (Vernon Supp. 1992) was not followed or that the Commission's rules, Tex. W. C. Comm'n, 28 TEX. ADMIN. CODE §§ 152.1 - 152.5 were not applied. Our standard for reviewing matters involving disputed attorney's fees is abuse of discretion. Texas Workers' Compensation Commission Appeal No. 91010 (Docket No. redacted) decided September 4, 1991. See *also* Texas Workers' Compensation Commission Appeal No. 91014A (Docket No. redacted) decided September 20, 1991. Applying that standard to this case, we do not find the hearing officer abused his discretion in approving the attorney's fees in the amount of \$307.50. There is probative evidence supporting his decision and it is, accordingly, affirmed.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Philip F. O'Neill
Appeals Judge