

## APPEAL NO. 991050

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 19, 1999. The issue at the CCH was whether any portion of the attorney's fees approved for the appellant (attorney) on February 9, 1999, was excessive. The hearing officer determined that attorney's fees in the amount of \$162.50 (out of \$350.00 originally approved) are reasonable and necessary. The attorney appeals, urging that the services in dispute, for giving the respondent (claimant) the attorney's mailing address for the mailing of the termination letter, receiving and reviewing the claimant's letter terminating the attorney's services, sending a letter to the claimant advising her of her rights, and sending a letter to the Texas Workers' Compensation Commission (Commission) advising the Commission of his termination, were necessary and reasonable. The file contains no response from the claimant or the carrier.

### DECISION

We affirm.

We review attorney's fees cases under an abuse of discretion standard. Texas Workers' Compensation Commission Appeal No. 951196, decided August 28, 1995. While Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §152.1(e) (Rule 152.1(e)) provides that a client who discharges an attorney does not, by this action, defeat the attorney's right to claim a fee, the fees must still be reasonable. Rule 152.3(b). We note that the claimant does not dispute any fees not connected with the discharge of the attorney. As to the letter from the attorney to the claimant advising her of her legal rights, the only part of that letter which appears to be specific to the claimant's case, if that is case-specific, is the mailing address of the (city 1) field office of the Commission. Charging .25 hours for the telephone conversation which included giving the attorney's mailing address was approved by the hearing officer. In the Discussion portion of her decision and order, the hearing officer stated: "It was not reasonable for the attorney to charge the Claimant to review her termination letter or to charge her for letters he wrote to her and the Commission after she terminated his services." Therefore, we conclude from her findings of fact and discussion that .25 hours to receive and review the discharge letter, and a total of 1.00 hours of attorney time to send two general letters in reply, were not reasonable. We do not find an abuse of discretion by the hearing officer.

Finding no abuse of discretion by the hearing officer, we affirm her decision and order.

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Stark O. Sanders, Jr.  
Chief Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Alan C. Ernst  
Appeals Judge