

APPEAL NO. 991098

On April 7, 1999, a contested case hearing (CCH) was held. The CCH was held under the provisions of the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Based on agreed facts, the hearing officer decided that claimant, is entitled to supplemental income benefits for the 10th quarter. Following the CCH, the hearing officer issued a Texas Workers' Compensation Commission Order for Attorney's Fees (order) in which she approved \$967.50 of \$1,190.00 requested by claimant's attorneys. Claimant's attorneys appeal from that order. No response was received from carrier or claimant.

DECISION

Reversed and rendered.

The Appeals Panel reviews attorney's fees appeals under an abuse of discretion standard. Texas Workers' Compensation Commission Appeal No. 951196, decided August 28, 1995.

Having reviewed the order, file, and appeal, we conclude that it was an abuse of discretion to reduce by .65 hours the time requested for attorney presence at the benefit review conference and CCH. We conclude that it was not an abuse of discretion to reduce by 2.5 hours the time requested for legal assistant review of the file. The order reflects that one reason the hearing officer did not approve those hours was that they were unreasonable. The order also reflects that the hearing officer approved 5.8 hours of attorney and legal assistant time for review of the file and documents in addition to hours approved for communications, drafting of documents, and an office conference.

The hearing officer's order is reversed and a new order is rendered approving an additional .65 hours of attorney time, which amounts to an additional fee of \$97.50, and a total approved fee of \$1,065.00.

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Judy L. Stephens  
Appeals Judge