

APPEAL NO. 000221

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 scheduled for January 11, 2000. The issue at the CCH was to be whether the claimant is entitled to supplemental income benefits (SIBS) for the ninth compensable quarter. Neither the claimant nor the appellant (self-insured) appeared, but the self-insured, through its representative, presented a letter withdrawing its dispute of the claimant's entitlement to SIBS for the ninth quarter. Based upon the representations made by the self-insured's representative, the hearing officer canceled the CCH and issued a decision that the claimant is entitled to SIBS for the ninth quarter.

On January 28, 2000, the hearing officer issued a Commission Order for Attorney's Fees (Order), covering services for the period from November 1, 1999, through January 24, 2000, approving 7.00 hours, as requested, for a total approved fee of \$1,050.00, as requested, with the fees to be paid by the self-insured pursuant to Section 408.147(c) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 152.1(f) (Rule 152.1(f)). The self-insured appeals the Order, contending that the hours approved to receive and review documents (SIBS application) appear to be excessive. The appeal file contains no response from the respondent (attorney).

DECISION

The hearing officer's Order is affirmed.

We review attorney's fees cases under an abuse of discretion standard. Texas Workers' Compensation Commission Appeal No. 951196, decided August 28, 1995. We note that the guidelines allow the actual time of participation at the CCH plus 4.00 hours. The self-insured does not argue, and it would be patently unjust to so hold, that the attorney is not entitled to any time for preparation because the CCH was canceled. The self-insured instead makes the bare assertion that the 4.00 hours approved for that purpose are unreasonable, with no detailed argument as to why the approved hours are unreasonable in light of the facts of this particular case. The hearing officer was familiar with the facts of the case and issued the order approving those hours. We have been presented with no evidence showing that she abused her discretion in doing so.

Finding no abuse of discretion by the hearing officer, the Order is affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Dorian E. Ramirez
Appeals Judge