

APPEAL NO. 002412

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 1, 2000. With respect to the issues before her, the hearing officer determined that the claimant is entitled to supplemental income benefits (SIBs) for the third and fourth quarters. The Appeals Panel affirmed that decision in Texas Workers' Compensation Commission Appeal No. 001388, decided July 27, 2000.

On September 29, 2000, the hearing officer issued a Commission Order for Attorney's Fees (Order), covering services for the period from January 24, 2000, through August 4, 2000, approving 33.00 hours, as requested, at a rate of \$150.00 per hour rather than the \$250.00 per hour requested, for a total approved fee of \$4,600.00 of the \$7,550.00 requested, with the fees to be paid pursuant to Section 408.147(c) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 152.1(f) (Rule 152.1(f)). The appellant (carrier) appeals, stating that the Order "appears to include services provided for quarters on which the carrier prevailed" and that the carrier "disputes the reasonableness of the attorney's fees in the amount of \$4,600.00." The appeals file does not contain a response to the carrier's appeal from the respondent (attorney) or the claimant.

DECISION

Affirmed.

We review attorney's fee decisions under an abuse of discretion standard. Texas Workers' Compensation Commission Appeal No. 91010, decided September 4, 1991. The carrier contends that the Order includes services provided for quarters on which the claimant did not prevail; thus, it contends that those benefits should be paid out of future benefits of the claimant rather than being paid by the carrier pursuant to Section 408.147(c). The carrier does not specify what portion of the approved fee is attributable to quarters on which the claimant did not prevail and our review of the Order does not indicate that the approved items were for services provided for quarters on which the carrier prevailed. The carrier also states that it disputes the reasonableness of the approved fee but does not specify what approved items it considers unreasonable. In this instance, it is apparent that the hearing officer determined that the hours submitted by the claimant's attorney were for legal services performed in connection to the claimant's entitlement to SIBs for the third and fourth quarters. As such, the hearing officer did not abuse her discretion in approving a fee for those services.

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Judy L. Stephens
Appeals Judge