

APPEAL NO. 010257

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 December 4, 2000. The issue at the hearing involved the 90-day rule. The hearing officer determined that the first certification of maximum medical improvement and impairment rating became final under the 90-day rule.

On January 16, 2001, a Texas Workers' Compensation Commission (Commission) Order for Attorney's Fees (Order), was issued covering services for the period from October 31, 2000, through December 4, 2000, approving zero hours out of 6.50 hours requested. In a prior Commission attorney's fees order dated January 4, 2001, a total of 22.00 of 28.50 requested hours were approved. The appellant (attorney) sought reconsideration of the denial of the fees and had resubmitted the 6.50 hours that were denied, which resulted in the second denial in the January 16, 2001, Order, which is now being appealed. The attorney supplied a justification text both with the original fee application and also with the resubmission/reconsideration request. The January 16, 2001, Order indicates that the 6.50 hours were denied because "Ex Guideline/Unreasonabl." The appeal file contains no response from the self-insured or the claimant.

DECISION

We affirm the Order.

The Appeals Panel reviews attorney's fee cases under an abuse of discretion standard. Texas Workers' Compensation Commission Appeal No. 91010, decided September 4, 1991. The requested fees exceeded the guidelines. The hearing officer, who heard the case and entered both attorney fee orders, was familiar with the complexity of the case. He reviewed the application for fees and the justification text and made his determination regarding what fees were reasonable and necessary. The record does not reflect that the hearing officer abused his discretion by not approving a greater number of attorney's fee hours.

Finding no abuse of discretion by the hearing officer, we affirm.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge