

APPEAL NO. 010748

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 29, 2000. The appellant (carrier) disputed the claimant's entitlement to supplemental income benefits (SIBs) for the first, second, and third quarters. The hearing officer determined that the claimant was entitled to SIBs for the first, second, and third quarters, and that the carrier is required to pay any fees approved for the respondent (claimant's attorney), for services regarding such disputes. The hearing officer issued three orders dated March 16, 2001, March 16, 2001, and March 18, 2001, for attorney's fees, one for each disputed quarter, in favor of the claimant's attorney.

The carrier has appealed asserting that the claimant's attorney has submitted multiple billings for the same activity. The claimant's attorney responds, urging affirmance of the hearing officer's orders.

DECISION

Affirmed.

Section 408.147(c), Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.108(f)(2) (Rule 130.108(f)(2)), and Rule 152.1(f) provide that an insurance carrier who unsuccessfully contests a Texas Workers' Compensation Commission (Commission) determination of entitlement to SIBs is liable for the reasonable and necessary attorney's fees incurred by the employee as a result of the dispute which have been ordered by the Commission or court. The claimant's attorney asserts that the Commission advised him that he needed to divide his time up and submit a separate fee application for each disputed quarter. Upon review of the record, there is sufficient documentation to support the hearing officer's three orders for attorney's fees dated March 16, 2001, March 16, 2001, and March 18, 2001.

Accordingly, the hearing officer's orders as to attorney's fees in this matter are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge