

APPEAL NO. 011213  
FILED JULY 18, 2001

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 March 30, 2001. It was determined that the compensable injury of appellant (claimant) does not extend to the left shoulder, left leg, left thigh, thoracic area, right foot and headaches. The hearing officer also determined that claimant is not entitled to reimbursement of travel expenses regarding medical treatment he received from doctors referred by Dr. V. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

CONCURRING OPINION:

I concur in the opinion of the majority and write separately in reference to the travel reimbursement issue only to point out that Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6 (Rule 134.6) was amended to apply to all dates of travel on or after July 15, 2000. The amended Rule 134.6 provides that the claimant is entitled to reimbursement for travel expenses only if "medical treatment for the compensable injury is not reasonably available

within 20 miles of the injured employee's residence." Since all the travel at issue here was after July 15, 2000, the amended Rule 134.6 applies. The hearing officer commented that there were "other competent doctors in the same area of practice . . . within twenty miles of claimant's residence." Therefore the claimant is not entitled to reimbursement for travel expenses pursuant to Rule 134.6 regardless of the fact that the treating doctor may have referred the claimant for the medical care.

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Thomas A. Knapp  
Appeals Judge