

APPEAL NO. 011416
FILED JULY 24, 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 May 23, 2001. With respect to the sole issue before her, the hearing officer determined that appellant (claimant) was not entitled to reimbursement of travel expenses for medical treatment received from his chiropractor because he need not have driven more than 20 miles from his home to receive similar, appropriate chiropractic treatment. The travel in dispute took place from October 11, 2000, to December 6, 2000. Claimant appeals and seeks reversal based on sufficiency. Respondent (carrier) responds and urges affirmance of the hearing officer's decision and order in all respects, arguing that claimant failed to meet his burden of proof to show the reasonable necessity of being treated by the chiropractor whose office was more than 20 miles from his home.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue involved fact questions for the hearing officer. Amended Rule 134.6, which is applicable to the travel in this case, provides that a 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." Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6 (Rule 134.6). The hearing officer commented that she was not persuaded that claimant was unable to obtain appropriate medical treatment within 20 miles of his residence in City B, Texas. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is 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).

Regarding whether carrier was required to pay for the requested travel in this case because it had paid for prior travel, we reject this assertion. The hearing officer was required to apply the applicable rule in making her determinations. We perceive no error. Claimant also contends that carrier did not give an adequate explanation for the denial of the requested travel expenses. Carrier denied that travel and as a reason stated, "per rule 134.6 unnecessary travel." Given the wording of the rule, we perceive no reversible error.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge