

APPEAL NO. 011939
FILED SEPTEMBER 26, 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 July 17, 2001. The appellant (carrier) appeals the hearing officer's determination that the respondent (claimant) is entitled to mileage reimbursement in the amount of \$300.99 for reasonable and necessary travel to obtain medical care. The hearing officer's determination that the claimant is not entitled to reimbursement for travel to work hardening or physical therapy on April 9, 11, and 13, 2001, has not been appealed. The claimant has not filed a response.

DECISION

Affirmed.

The question of whether a claimant is entitled to reimbursement for travel expenses under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6 (Rule 134.6) is one of fact for the hearing officer to resolve. See Texas Workers' Compensation Commission Appeal No. 001632, decided August 30, 2000. The hearing officer correctly applied two versions of Rule 134.6; the first version applied to travel prior to July 15, 2000, and the amended version applied to travel on or after July 15, 2000. The hearing officer determined that the claimant's travel to and from his treating doctor and to his referral appointments was reasonably necessary. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion of the credibility of the respective witnesses for that of the hearing officer.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **COLONIAL CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**WILLIAM HAGAN
12850 SPURLING DRIVE, SUITE 250
DALLAS, TEXAS 75203.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge