APPEAL NO. 012020
FILED OCTOBER 9, 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 (CCH) was held on May 29, 2001, with the record closing on July 31, 2001. With regard to the disputed issue before him, the hearing officer determined that the appellant (claimant) is not entitled to reimbursement for travel expenses for medical treatment on and after July 15, 2000, at the direction of Dr. T and Dr. L.

The claimant appealed, contending that he disagrees with the hearing officer's determination. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, and that the three visits to Dr. L, on August 21, September 11, and September 19, 2000, are reimbursable for mileage expenses. The sole issue before the hearing officer was whether the claimant was entitled to reimbursement of travel expenses for medical treatment at the direction of Dr. T and Dr. L.

The claimant argues on appeal that he should not be forced to change treating doctors because the carrier does not want to pay mileage reimbursement for travel expenses to the medical doctors. At the CCH and on appeal, the carrier acknowledges that they are not disputing the change of treating doctor, but that they are only disputing mileage reimbursement for travel expenses on or after July 15, 2000.

The hearing officer did not err in determining that the claimant was not entitled to reimbursement for travel expenses for medical treatments on and after July 15, 2000, at the direction of Dr. T and Dr. L. The hearing officer commented that the intent of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6(b) (Rule 134.6(b)), effective July 15, 2000, "is to allow claimants to treat with the doctor of their choice, but to reduce unnecessary expenses in the payment of mileage, when similar care is available closer to home." Rule 134.6(b) provides that an injured employee 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; the distance traveled to secure medical treatment is greater than 20 miles, one-way; and the injured employee submits the request to the insurance carrier in the form and manner prescribed by the Texas Workers' Compensation Commission within one year of the date the injured employee incurred the expenses. The hearing officer determined that the claimant did not look for substitute care, and that his lack of awareness of travel requirements did not excuse him from the effect of Rule 134.6.

The hearing officer did not err in the proper application of Rule 134.6.

The hearing officer's decision and order are affirmed.

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

CT CORPORATION SYSTEM
350 N. ST. PAUL
DALLAS, TEXAS 75201.

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge