

APPEAL NO. 012198
FILED NOVEMBER 7, 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 August 14, 2001. Although notified of the time, date, and place of the CCH, the appellant (claimant) failed to appear. There is also no indication that the claimant responded to a letter from the hearing officer, which gave the claimant 10 days to request that the CCH be reconvened and to show good cause for failure to appear at the CCH. The hearing officer resolved the disputed issue by deciding that the claimant is entitled to reimbursement of travel expenses in the amount of \$175.62 for medical treatment at the direction of Dr. F from September 11, 2000, through January 9, 2001. The claimant appealed, stating that she disagrees with the dispute over the mileage, and the respondent (carrier) responded, requesting affirmance.

DECISION

The hearing officer's decision is affirmed.

The disputed issue of the claimant's entitlement to reimbursement of travel expenses for medical treatment at the direction of Dr. F involved a fact issue for the hearing officer to determine from the evidence presented. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6 (Rule 134.6), amended effective July 15, 2000, contains the travel expenses provisions applicable to this case. The claimant had the burden to prove her entitlement to such reimbursement. Texas Workers' Compensation Commission Appeal No. 010805, decided June 4, 2001. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision is supported by sufficient evidence and is not 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 (Tex. 1986).

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 STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Judge