

APPEAL NO. 013188
FILED JANUARY 24, 2002

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 November 29, 2001. The hearing officer determined that the attorney fees orders of the Texas Workers' Compensation Commission (Commission) dated September 26, 2001, approving \$412.20 in attorney fees for the respondent (attorney) and September 27, 2001, approving \$862.50 in attorney fees for services that were performed by the attorney, are within the Commission's guidelines, and were reasonable and necessary. The appellant (claimant) appealed, arguing that the hearing officer erred in determining that the attorney was entitled to attorney fees. The attorney responded, urging affirmance of the hearing officer's determination. Though the style of the hearing officer's Decision and Order includes Old Republic Insurance Company (carrier), the carrier did not appear at the hearing below and did not file a response to the appeal.

DECISION

Affirmed.

We review attorney's fee decisions under an abuse of discretion standard. Texas Workers' Compensation Commission Appeal No. 91010, decided September 4, 1991. The claimant disputed several of the fees charged by his attorney, asserting that the fees for telephone communications with his attorney and the attorney's associates were excessive in that the telephone communications were for shorter periods of time than reported on the activity log. Also, the claimant asserted that the fees for the corresponding services of drafting letters were unreasonable and unnecessary as it did not lead to the resolution sought by the claimant. The claimant did not provide any documentation to support his contentions. The claimant's attorney provided documentation, an activity log, justifying each of the disputed fees. In view of the attorney's activity log, the hearing officer could find that the attorney's fees for services were reasonable and necessary. We conclude that the hearing officer did not abuse her discretion by approving attorney fees in the amount of \$412.20 and \$862.50.

We note that the claimant attached to his appeal some documents to support his argument that the attorney fees are unreasonable and unnecessary; none of the documents were in evidence at the CCH. The Appeals Panel has held that normally it will not consider evidence outside the record on appeal. Texas Workers' Compensation Commission Appeal No. 93943, decided December 2, 1993.

The hearing officer's decision and order are affirmed.

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

**GALLAGHER BASSETT SERVICES
6504 INTERNATIONAL PARKWAY #2100
PLANO, TEXAS 75093.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge