

APPEAL NO. 020056
FILED FEBRUARY 19, 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 was held on December 5, 2001. With regard to the attorney's fees issue, the hearing officer determined that the respondent's (attorney) fees in the amount of \$502.50 were reasonable and necessary, and were not excessive. The appellant (claimant) appealed and the attorney responded. The attorney contends that the claimant's appeal was not timely filed.

DECISION

The hearing officer's decision is affirmed.

The claimant's appeal was timely filed with the Texas Workers' Compensation Commission. Pursuant to Section 410.202(a), the claimant had 15 days to file her appeal from the date it was received. Pursuant to Section 410.202(d), for appeals filed on or after June 17, 2001, Saturdays and Sundays and holidays listed in Section 662.003, Government Code, are not included in the computation of the time in which a request for an appeal under subsection (a) or a response under subsection (b) must be filed. The due date for the claimant's appeal was January 11, 2002. The appeal was timely filed on January 8, 2002.

Section 408.221 sets out the statutory provisions regarding attorney's fees paid to a claimant's counsel. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §§ 152.1-152.5 (Rules 152.1-152.5) are the rules relating to attorney's fees. We review a hearing officer's determination of attorney's fees under an abuse of discretion standard. Texas Workers' Compensation Commission Appeal No. 92481, decided October 21, 1992. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's decision reflects that she considered and applied the appropriate factors in making her determination on the disputed attorney's fees. We conclude that the hearing officer's decision is supported by sufficient evidence and that the hearing officer did not abuse her discretion in approving the disputed attorney's fees.

The hearing officer's decision and order are affirmed.

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

**ROBIN MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge