

APPEAL NO. 021252
FILED JULY 10, 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 March 27, 2002. According to the appeal in this case, the parties prepared a proposed agreement on four issues for the hearing officer at the CCH. The stipulations were put on the record and were eventually not accepted by the Texas Workers' Compensation Commission (Commission). Another CCH has been scheduled.

On May 1, 2002, the hearing officer issued a Commission Order for Attorney's Fees (Order) covering services for the period of March 4 to March 27, 2002. All of the requested fees were approved except for 2.4 hours "Legal Research" performed on March 6, 2002, pertaining to "Agreements & Settlements" as "Ex Guideline/Unreasonabl." We do note that 2.6 hours of legal research had been approved for the benefit review conference on March 5, 2002. The attorney appealed, contending his fees were reasonable, necessary, and justified. He incorporates by reference the Application for Attorney's Fees (TWCC-152) and justification text.

DECISION

Reversed and rendered.

The attorney, both in justification text and appeal, explains why he believes the 2.4 hours of unapproved legal research on March 6, 2002, were reasonable, necessary, and justified. The only notation indicating the disapproval was "Ex Guideline/Unreasonabl."¹ In denying the legal research fee, the hearing officer did not address the justification text and it was an abuse of discretion for the hearing officer not to do so. See Texas Workers' Compensation Commission Appeal No. 000933, decided June 1, 2000.

¹ The fee guidelines allow only one hour for initial research and only one hour for "preparation" and submission of an agreement or settlement.

Accordingly, as much of the Order that disapproved the 2.4 hours of legal research on March 6, 2002, is reversed and a new decision is rendered approving the additional \$312.00 in fees not approved in the Order of May 1, 2002.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge