

APPEAL NO. 021806  
FILED AUGUST 30, 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 May 7, 2002. The issue at the hearing was whether respondent 1 (claimant) sustained a compensable injury on \_\_\_\_\_, and whether he had disability. On June 21, 2001, the same hearing officer issued a Texas Workers' Compensation Commission (Commission) Order for Attorney's Fees (Order), covering services from April 19 through May 30, 2002, approving 6 hours of a total of 22.50 hours requested for attorney and legal assistant time, approving a total of \$700.00 of the \$2,925.00 requested. Appellant (attorney) appeals, contending only that a justification text was inadvertently omitted when the fee application was made, and asking for a remand so that the hearing officer can consider the justification text. The attorney does not contend that the hearing officer otherwise erred, based on the record that was before her. The appeal file contains no response from respondent 2 self-insured (carrier herein) or claimant.

DECISION

We affirm.

We review attorney's fees cases under an abuse of discretion standard. Texas Workers' Compensation Commission Appeal No. 951196, decided August 28, 1995. In this case, the record does not establish that the hearing officer erred or abused her discretion. The attorney for claimant had the burden to justify fees above the guidelines, but failed to include the justification text. See Section 408.222(a). Given the record before us, we perceive no error or abuse of discretion on the part of the hearing officer that would justify a remand. The attorney contends that the Appeals Panel has remanded for consideration of a justification text in similar cases, citing Texas Workers' Compensation Commission Appeal No. 93790, decided October 19, 1993. However, in that case, the Appeals Panel concluded that there had been no opportunity for a hearing on attorney's fees at all. In this case, the attorneys for both claimant and carrier were given an opportunity to present evidence regarding attorney's fees. At the hearing, claimant's attorney indicated that he did not want to make any "justification or record regarding attorney's fees."

We affirm the hearing officer's Order.

According to information provided by carrier, the true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Susan M. Kelley  
Appeals Judge