

APPEAL NO. 021809
FILED SEPTEMBER 5, 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 April 12, 2002. The hearing officer determined that respondent 2 (claimant) was not entitled to first quarter supplemental income benefits (SIBs).

This case involves an appeal by respondent 1's (carrier) attorney of some attorney's fees that were declined by a different hearing officer after this proceeding. The attorney explains again why additional billings were justified.

DECISION

Reversed and remanded.

The application for attorney's fees under review involves apparent preparation time leading up to the April 12, 2002, CCH. If any fees were awarded for participation in the CCH, for which actual time plus the four hours allowed under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §152.4 (Rule 152.4), such is not in evidence. For reasons not explained on the face of the order, the fees were approved by a hearing officer who was not the hearing officer that presided over the SIBs CCH.

The justification text explains why additional preparation time was required. Leaving aside the amounts that may have been approved relating to the CCH, the allowed amounts here do not appear to total the 2.5 hours monthly communications time allowed under Rule 152.4. In light of the justification and the amounts allowed, we tend to agree that it appears as though the hearing officer abused her discretion by only allowing \$112.00 of the \$558.20; however, without an indication of how much was allowed for actual participation in the CCH itself, such a judgment would be premature. We, therefore, reverse and remand so that the hearing officer may review all amounts allowed for preparation of and participation in the April 12, 2002, SIBs CCH, in light of the justification submitted.

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
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Michael B. McShane
Appeals Judge