

APPEAL NO. 022140  
FILED OCTOBER 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 was held on June 19, 2002, and continued on August 9, 2002. The hearing officer determined that the respondent (claimant) is entitled to reimbursement for travel expenses in the amount of \$2,502.48. The appellant (carrier) appeals this determination. The appeal file contains no response from the claimant.

DECISION

We affirm.

Whether the claimant is entitled to reimbursement for travel expenses under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6 (Rule 134.6) was a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds upon which to reverse the decision of the hearing officer.

We find the carrier's reliance on Texas Workers' Compensation Commission Appeal No. 011574, decided August 23, 2001, to be misplaced. In that case, the claimant did not present any medical records or documentation verifying that the treatment for which he sought travel expense reimbursement was reasonably necessary. However, in the present case, such medical documentation is in evidence and, therefore, we do not agree that Appeal No. 011574 is controlling.

The carrier argues that the hearing officer erred by not making a specific finding of fact stating that the treatments in question were reasonably necessary and were not reasonably available within 20 miles of the claimant's residence. We disagree. Although for the sake of clarity, it would have been a better practice to make such specific finding, it is implicit in Finding of Fact No. 2. Consequently, we find the hearing officer's findings of fact to be sufficient.

We affirm the hearing officer's decision and order.

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

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Veronica Lopez  
Appeals Judge