

APPEAL NO. 022306  
FILED OCTOBER 31, 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 July 15, 2002, and August 29, 2002. The appellant (carrier's attorney) submitted two applications for attorney's fees. The hearing officer issued an August 27, 2002, Texas Workers' Compensation Commission Order for Attorney's Fees (Order) No. 6, covering services for June 11 through June 21, 2002, approving 6.40 hours of the 8.30 hours requested. The hearing officer determined that the service for which the excluded fees were requested was unclear as it was itemized under "travel time," but the service provided was explained as "performed legal research." The hearing officer issued Order No. 8 for Attorney's Fees dated September 20, 2002, covering services from July 12 through July 24, 2002, and approving 4.60 hours of the 5.60 hours requested. In this fee application, the attorney had requested 2.50 hours for travel time for attending a proceeding, and the hearing officer approved only 1.50 hours and denied 1.00 hours with the explanation, "time/cost unreasonable." The carrier's attorney appeals the hearing officer's determinations, and requests that the excluded fees be approved. The file does not contain a response to the appeal from either respondent 1 (carrier) or respondent 2 (claimant).

DECISION

We affirm.

We review a hearing officer's award of attorney's fees under an abuse-of-discretion standard. Texas Workers' Compensation Commission Appeal No. 92481, decided October 21, 1992 (Unpublished). In determining whether there has been an abuse of discretion, the Appeals Panel looks to see whether the hearing officer acted without reference to any guiding rules or principles. Texas Workers' Compensation Commission Appeal No. 951943, decided January 2, 1996, citing Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986). Section 408.222 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §§ 152.1 and 152.3 through 152.5 (Rules 152.1 and 152.3 through 152.5) govern fees paid to a carrier's attorney. In this case, the attorney did not provide a justification text to explain the "legal research" and/or "travel time" denied in Order No. 6, and we perceive no abuse of discretion regarding that Order. Regarding the travel time denied in Order No. 8, the hearing officer determined that amount of travel time that she found reasonable under the circumstances and we perceive no abuse of discretion. In view of the record and the applicable law, we cannot conclude that the hearing officer abused her discretion in limiting the award of attorney's fees.

We affirm the hearing officer's orders.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

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

---

Judy L. S. Barnes  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Michael B. McShane  
Appeals Judge