

APPEAL NO. 032372  
FILED OCTOBER 24, 2003

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 July 23, 2003. The hearing officer resolved the disputed issue by deciding that respondent 2 (claimant) is entitled to supplemental income benefits for the eleventh quarter. On August 21, 2003, the hearing officer issued a Texas Workers' Compensation Commission Order for Attorney's Fees (the attorney's fee order) to be paid pursuant to Section 408.147(c) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §152.1(f) (Rule 152.1(f)), in which the hearing officer approved \$861.00 of the \$1,288.18 in attorney fees and expenses requested by the appellant (attorney), who represented the carrier. The attorney appealed the attorney's fees order. No response was received from the claimant or the carrier.

DECISION

Affirmed.

The hearing officer did not err in awarding attorney's fees in the amount of \$861.00. 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. 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 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 to the amount of \$861.00.

The carrier argues that "the only reason given for the arbitrary reductions in attorney's fees was Ex Guideline/Unreasonable." However, the Attorney Fee Processing System Indicates that the hearing officer did enter a log text explaining her decision to deny the fees in excess of the guidelines. The hearing officer noted that the CCH only involved one quarter of supplemental income benefits and it was not sufficiently complex as to warrant exceeding the Texas Workers' Compensation Commission guidelines.

We affirm the decision and order of the hearing officer.

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

**FRANK A. MONTEMARO  
5205 NORTH O'CONNOR BOULEVARD  
IRVING, TEXAS 75039.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Edward Vilano  
Appeals Judge