

APPEAL NO. 032398
FILED OCTOBER 17, 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 was held on August 28, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) is not entitled to reimbursement of a motel bill for a claimed date of travel of March 18, 2002, and that the claimant is not entitled to reimbursement for travel mileage for July 8, 2003, from (city 1) to (city 2). On appeal, the claimant expresses disagreement with the determination that he is not entitled to reimbursement as requested. In its response, the respondent (carrier) contends that the document filed by the claimant is not sufficient to be considered an appeal, but alternatively argues that there is sufficient evidence to support the determinations of the hearing officer and that the hearing officer properly applied the law to the facts in determining that the claimant was not entitled to the requested reimbursements.

DECISION

Affirmed.

At the outset we note that the carrier questions whether the claimant has sufficiently appealed the decision of the hearing officer because the claimant "does not indicate what findings of fact he is appealing and does not indicate that he is appealing any conclusion of law." See Section 410.202(c). We have liberally construed the meaning of what "clearly and concisely" rebutting a decision is. When an unrepresented claimant states in writing, in any language, that he "disagrees" with the hearing officer's decision, it meets the criteria of the statute and the rule. Texas Workers' Compensation Commission Appeal No. 931142, decided January 31, 1994; Texas Workers' Compensation Commission Appeal No. 960933, decided June 27, 1996; Texas Workers' Compensation Commission Appeal No. 951084, decided August 9, 1995; and Texas Workers' Compensation Commission Appeal No. 94973, decided September 1, 1994. Consequently, the claimant's appeal meets the criteria of the statute and the rule.

The parties stipulated that the claimant sustained a compensable injury on _____ . The claimant testified that he had back surgery and that his surgeon's office was in (city 2). Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6 (Rule 134.6) provides that, when it becomes reasonably necessary for an injured employee to travel in order to obtain appropriate and necessary medical care for the injured employee's compensable injury, the reasonable cost shall be paid by the insurance carrier, and that reimbursement shall be based on guidelines which include that if the mileage shall be greater than 20 miles one way, the injured employee is entitled to travel reimbursement. The hearing officer found that it was not reasonably necessary for the claimant to incur an overnight lodging expense on March 18, 2002, to attend a 1:00 p.m. medical appointment in (city 2), Texas and that the claimant failed to

prove that specialized medical care was not available within 20 miles of his residence in (city 1), Texas. The hearing officer concluded that the claimant was not entitled to reimbursement of a motel bill for a claimed date of travel of March 18, 2002, or for travel mileage for July 8, 2003, from (city 1) to (city 2).

The Appeals Panel has stated that the question of whether the employee had demonstrated entitlement to reimbursement for travel expenses under Rule 134.6 was a question of fact for the hearing officer and that the claimant had the burden of proof on that issue. Texas Workers' Compensation Commission Appeal No. 000467, decided April 14, 2000. We have reviewed the complained-of determinations and conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

**ROBERT SIDDON'S
11612 RM 2244, BUILDING 1, SUITE 200
AUSTIN, TEXAS 78733.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge