

APPEAL NO. 033054
FILED DECEMBER 29, 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 November 3, 2003. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) is not entitled to reimbursement of travel expenses for medical treatment at the direction of Dr. T. The claimant appealed, requesting that he be allowed reimbursement for travel expenses. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the Texas Workers' Compensation Commission has determined that on _____, the claimant sustained a compensable injury to his left knee. 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 the claimant made no effort to determine if medical treatment was reasonably available within 20 miles of his residence, noting that the claimant failed to meet his burden of proof on the disputed issue. The hearing officer concluded that the claimant was not entitled to reimbursement of travel expenses for medical treatment at the direction of Dr. T.

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 determination and conclude that the hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong of 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 **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

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

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge