

APPEAL NO. 033156
FILED JANUARY 28, 2004

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 October 29, 2003. The hearing officer decided that respondent 1 (attorney herein) was entitled to attorney's fees in the amounts of \$700.00, \$487.50, \$375.00, and \$287.00. The appellant (claimant herein) files a request for review in which he argues that the attorney should not have been awarded fees because the attorney never helped him, because the attorney did not communicate with him, and because the attorney did not spend the time on the case the attorney claimed to have spent. There is no response from either the attorney or from respondent 2 (carrier herein) to the claimant's request for review in the appeal file.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

A Texas Workers' Compensation Commission (Commission) Order for Attorney's Fees granted the attorney \$700.00 in attorney's fees for dates of service June 20 through September 30, 2002 (Order No. 1); another Commission Order for Attorney's Fees granted the attorney \$487.50 in attorney's fees for dates of service October 4 through December 30, 2002 (Order No. 2); another Commission Order for Attorney's Fees granted the attorney \$375.00 in attorney's fees for dates of service January 6 through March 31, 2003 (Order No. 3); and another Commission order for Attorney's Fees granted the attorney \$287.50 in attorney's fees for dates of service April 4 through May 30, 2003 (Order No. 4). The claimant disputed the attorney's fees in Order Nos. 1-4 and as a result a hearing was held to determine whether or not the Orders should be set aside. The hearing officer admitted Order Nos. 1-4 as hearing officer's exhibits. The claimant testified that the attorney failed to help him with his claim. Neither the attorney nor the carrier appeared at the hearing.

The hearing officer found as a matter of fact that the attorney's fees approved in Order Nos. 1-4 were within the Commission's guidelines for attorney's fees. The hearing officer upheld Order Nos. 1-4. While it certainly would have been preferable for the hearing officer to have made an explicit factual finding as to whether or not the attorney's fees approved in Order Nos. 1-4 were reasonable and necessary, such a finding is implicit in the hearing officer's upholding of Order Nos. 1-4. When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight 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 Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we do not find legal error in the hearing officer's decision.

The decision and order of the hearing officer are affirmed.

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

**LEO F. MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge