

APPEAL NO. 033325
FILED FEBRUARY 10, 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 1, 2003. Following the hearing, the appellant (carrier's attorney) submitted a request for attorney's fees based upon written justification, for dates of service from September 2 through September 30, 2003. The hearing officer issued a Texas Workers' Compensation Commission (Commission) Order for Attorney's Fees, which approved \$882.00 of the \$2,541.09 in attorney's fees and expenses requested. The carrier's attorney appeals the Order for Attorney's Fees, asserting that the additional fees requested were due to "the complex nature of the alleged injury and voluminous research and medical records reviewed." No response was filed.

DECISION

Affirmed.

The hearing officer did not err in awarding attorney's fees in the amount of \$882.00. 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. Commission records indicate that the hearing officer found the underlying case was not sufficiently complex to warrant exceeding the established guidelines. 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 \$882.00. Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986).

The hearing officer's decision and order is affirmed.

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

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge