

APPEAL NO. 040327  
FILED APRIL 7, 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 January 8, 2004. The hearing officer determined that respondent 2 (claimant) sustained a compensable injury on \_\_\_\_\_. Following the hearing, the appellant (attorney) for respondent 1 (carrier) submitted a request for attorney's fees based on written justification, for the period of August 1, 2003, through November 18, 2003. The hearing officer issued a Texas Workers' Compensation Commission Order for Attorney's Fees, approving 22.30 hours out of 24.60 hours requested, for a total approved fee of \$3,345.00 out of \$3,690.00 requested. The attorney appeals the determination, essentially asserting that the attorney's fees are reasonable and necessary. No response was filed by either the claimant or respondent 1.

DECISION

Affirmed.

The hearing officer did not err in awarding attorney's fees in the amount of \$3,345.00. 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. 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). The Attorney Fee Processing System indicates that the hearing officer considered the attorney's justification text but found that it did not support the excluded fees, in a case involving a single issue of compensability. In view of the record and the applicable law, we cannot conclude that the hearing officer abused his discretion in limiting the award of attorney's fees to the amount of \$3,345.00.

The decision and order of the hearing officer is affirmed.

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

**ROBERT PARNELL  
AIG CLAIMS SERVICES  
8144 WALNUT HILL LANE, SUITE 1600  
DALLAS, TEXAS 75231.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Panel  
Manager/Judge

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Veronica L. Ruberto  
Appeals Judge