

APPEAL NO. 040693
FILED MAY 20, 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 November 5, 2003. Following the hearing, the appellant (carrier's attorney) submitted a request for attorney's fees based upon written justification. The hearing officer issued a Commission Order for Attorney's Fees (Order), covering services for the period from October 1, 2003, through January 20, 2004, approving 14.80 hours out of 19.20 hours requested, for a total approved fee of \$2,220.00 out of \$2,880.00 requested. The hearing officer determined that the excluded fees exceeded Texas Workers' Compensation Commission guidelines and/or were unreasonable. The carrier's attorney appeals the Order, asserting that the requested fees were reasonable, necessary and justified. No response was filed by either respondent 2 (claimant) or respondent 1 (carrier).

DECISION

Affirmed.

The hearing officer did not err in awarding attorney's fees in the amount of \$2,220.00. We review a hearing officer's award of attorney's fees under an abuse-of-discretion standard. 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). 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. The hearing officer noted that the justification provided by the carrier's attorney was "boilerplate" and contained no "coherent justification" for the excluded fees. 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 \$2,200.00.

The 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

JIM MALLOY
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231.

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge