

APPEAL NO. 041224  
FILED JULY 14, 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 April 28, 2004. At that hearing, the hearing officer determined that respondent 1 (claimant) is not entitled to supplemental income benefits (SIBs) for the second quarter and that the claimant is entitled to SIBs for the third quarter. On May 12, 2004, the same hearing officer issued a Texas Workers' Compensation Commission (Commission) Order for Attorney's Fees (Order) covering services from June 4, 2003, through April 28, 2004, approving 0.00 hours of a total of 7.8 hours requested for attorney time, for a total approved fee of \$0.00 of the \$1,560.00 requested. In his appeal, the appellant (claimant's attorney) contends that he only requested fees for the amount of work expended for the third quarter and that the sole reason for denial of attorney's fees was that an appeal was pending and no order would be issued until the appeal was finalized. The appeal file does not contain a response from respondent 2 (carrier) or from the claimant.

DECISION

Reversed and remanded.

The Attorney Fee Processing System indicates that the hearing officer entered a log text explaining that she was unable to approve the fees because the appeals process is not complete. In Texas Workers' Compensation Commission Appeal No. 041195, decided June 24, 2004, the Appeals Panel affirmed the determination of the hearing officer that the claimant was not entitled to SIBs for the second quarter and was entitled to SIBs for the third quarter. We remand this case to the hearing officer to reconsider the amount of attorney's fees requested and entered an appropriate order.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

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

**CORPORATE SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Chris Cowan  
Appeals Judge