

APPEAL NO. 002972

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 2, 2000. Appellant (carrier) appealed.

DECISION

Affirmed.

Appealed Issue 1 and Decision:

It was not error to find carrier had coverage for the respondent (claimant) on the date of injury.

Rationale:

The hearing officer found that the claimant was employed by (employer) on the date of the injury. This determination has not been appealed. The carrier argues that on the date of injury it did not provide coverage for employer although it did provide coverage for (leasing company), which provided leased employees to employer. The carrier contends that since the claimant was not an employee of leasing company leased to employer, but a direct employee of employer, that the claimant was not covered by carrier's policy on the date of injury.

However, the hearing officer found that on the date of the claimant's injury, records of the Texas Workers' Compensation Commission (Commission) reflect that the carrier provided workers' compensation coverage to employer. While the carrier denies that this is the case, this is indeed what Commission records reflect. The 1989 Act requires that a carrier notify the Commission of the existence of coverage, the cancellation of coverage and the termination of coverage in Sections 406.006, 406.007, and 406.008. Based upon information provided by the carrier itself, it provided coverage to employer on the claimant's date of injury.

Appealed Issue 2 and Decision:

It was not error to find that the claimant timely reported his injury to his employer.

Appealed Issue 3 and Decision:

It was not error to find that the claimant was injured in the course and scope of his employment on _____.

Appealed Issue 4 and Decision:

It was not error to find that the claimant had disability beginning March 11, 2000,

and has not ended as of the date of the hearing.

Rationale for Issues 2, 3, and 4:

There was conflicting evidence presented at the hearing on the issues. The hearing officer's determinations on the issues were not so against the great weight and preponderance of the evidence to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision is affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Kenneth A. Huchton
Appeals Judge