

APPEAL NO. 011273  
FILED JULY 25, 2001

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 May 15, 2001. With respect to the issues before him, the hearing officer determined that the respondent (claimant) did not sustain a compensable injury on \_\_\_\_\_; that he did not have disability because he did not sustain a compensable injury; and that the appellant (carrier) is not relieved of liability pursuant to Section 409.002 because the claimant timely reported his alleged injury to his employer in accordance with Section 409.001. In its appeal, the carrier challenges the factual findings related to disability and timely notice and the legal conclusion that it is not relieved of liability in this instance under Section 409.002. The appeals file does not contain a response to the carrier's appeal from the claimant. In addition, the claimant did not appeal the determination that he did not sustain a compensable injury on \_\_\_\_\_.

DECISION

The hearing officer's decision and order have become final. Section 410.169.

Although the carrier's appeal is not so titled, it is in the nature of a conditional appeal. Indeed, in its pleading the carrier states "[t]his appeal is brought as a precautionary measure in the event the Claimant decides and perfects an appeal regarding the compensability of his injury." As noted above, the claimant did not appeal the compensability determination. As such, the carrier is not aggrieved by the determinations it has appealed. Accordingly, we dismiss the carrier's appeal.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge