

APPEAL NO. 011902
FILED SEPTEMBER 17, 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 July 12, 2001. He determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease; that the date of the claimed injury is _____; that claimant did not timely report the claimed injury; that the respondent self-insured (carrier) is relieved from liability under Tex. Labor Code Ann. § 409.004 because of claimant's failure to timely file a claim for compensation with the Texas Workers' Compensation Commission within one year of the injury; and that carrier has not waived its right to dispute the compensability of the claimed injury. On appeal, claimant expresses disagreement with the determinations regarding injury, timely reporting, carrier waiver, and timely filing of a claim. The appeals file contains no response from carrier.

DECISION

We affirm as reformed.

The hearing officer's decision reflects the following typographical error:

CONCLUSION OF LAW

5. The claimant is relieved from liability under Tex. Labor Code Ann. § 409.002 because of the claimant's failure to timely notify the employer pursuant to Tex. Labor Code Ann. § 409.001.

As claimant correctly points out, this conclusion of law should be, and is reformed to reflect that, *carrier* is relieved from liability under Tex. Labor Code Ann. § 409.002 because of claimant's failure to timely notify the employer pursuant to Tex. Labor Code Ann. § 409.001.

We have reviewed the complained-of determinations and conclude that the issues involved presented fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Regarding the carrier waiver issue, claimant contends that she told her employer of the injury, so carrier did not timely dispute. However, there was evidence that carrier filed a Payment of Compensation or Notice of Refused/Disputed Claim (TWCC-21) in this case within 60 days. Therefore, the hearing officer could find from the evidence that carrier did not waive the right to contest compensability in this case.

The decision and order of the hearing officer are affirmed as reformed.

The true corporate name of the insurance carrier is **LOUISIANA PACIFIC CORPORATION C/O SEDGWICK** and the name and address of its registered agent for service of process is

**PACIFIC EMPLOYER'S INSURANCE COMPANY
ATTN: MARCUS CHARLES MERRITT
6600 CAMPUS CIRCLE EAST, SUITE 200
IRVING, TEXAS 75063.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge