

APPEAL NO. 012050
FILED OCTOBER 11, 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 30, 2001. He determined that respondent (claimant) sustained a compensable injury on _____, and had disability beginning on March 24, 2001, and continuing through the date of the hearing. Additionally, the hearing officer entered an interlocutory order, directing appellant (carrier) to pay temporary income benefits based on an average weekly wage (AWW) of \$990.00. On appeal, carrier urges that the determinations that claimant sustained a compensable injury and had disability are not supported by the evidence. Carrier complains of the interlocutory order, which lists an AWW amount it believes is incorrect. Claimant responded, urging affirmance.

DECISION

We affirm.

We have reviewed the complained-of determinations regarding injury and disability and conclude that the issues involved 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 carrier's appeal regarding the AWW amount stated in the interlocutory order, we note that AWW was not an issue at the hearing and we will not address that issue for the first time on appeal.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750,
COMMODORE 1
AUSTIN, TX 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Judge