

APPEAL NO. 012107
FILED OCTOBER 15, 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 (CCH) was held on August 7, 2001. With respect to the issues before her, the hearing officer determined that the appellant (claimant) sustained a compensable injury _____, and had resulting disability from April 13 to April 23, 2001. In her appeal, the claimant argues that her period of disability should continue through May 24, 2001, as well as include April 10 and 11, 2001. Further, the claimant argues that the hearing officer inappropriately determined the precise nature of her compensable injury in that there was no "extent of injury" issue at the CCH. The respondent (carrier) responds and urges the Appeals Panel affirm the hearing officer in all respects.

DECISION

Affirmed.

The evidence in the record supported the hearing officer's determination that, on _____, the claimant sustained a compensable injury in the nature of a closed head injury and neck strain. The claimant testified that she fell backwards over a stepladder while stocking the cooler at her place of employment, landing on her backside and striking her head on the floor. The hearing officer decided that a preponderance of the evidence supported the mechanism and nature of injury as described by the claimant.

Following her determination of compensable injury, the hearing officer did not err in determining that the claimant had disability for the period of April 13 through April 23, 2001. The claimant previously scheduled days off were April 11 and April 12, and the record reflects that one of her physicians opined a recovery time for her injuries as two weeks. In as much as we are affirming the hearing officer's decision that the claimant sustained a compensable injury, we also affirm the determination that she had disability, by definition in Section 401.011(16), for the periods outlined above.

The claimant contends that the hearing officer erred in determining the precise nature of the claimant's compensable injury, maintaining that to do so, the hearing officer had improperly determined an "extent of injury" issue not before her. The claimant's argument is untenable. The claimant's position at the benefit review conference was that she sustained a "lumbar derangement" injury and had radiculopathy. At the CCH, the claimant testified, and presented medical records, that she injured her head, neck, and low back when she fell. The carrier presented testimonial and documentary evidence that there was no back injury sustained by the claimant on the date of the incident. Consequently, whether the injury included a low back injury was litigated at the CCH. The hearing officer had sufficient evidence before her from which she could appropriately identify and define the claimant's compensable injury. See Texas Workers' Compensation Commission Appeal No. 990164, decided March 15, 1999; and, Texas Workers'

Compensation Commission No. 012064, decided October 12, 2001. Therefore, it was not error for the hearing officer to define the nature of the claimant's compensable injury.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **PETROLEUM CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH LALLO
4550 DACOMA STREET
HOUSTON, TEXAS 77092-8614.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge