

APPEAL NO. 012439  
FILED NOVEMBER 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 was held on September 17, 2001. The hearing officer determined that the compensable injury of respondent (claimant) extends to a neck injury; that claimant is not entitled to supplemental income benefits (SIBs) for the fifth quarter; and that the claimant permanently lost entitlement to SIBs because she was not entitled to SIBs for 12 consecutive months. Appellant (claimant) appealed the determination regarding extent of injury. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the hearing officer did not err in determining that the injury extended to the cervical spine. We have said that it is incumbent upon parties to activate any dispute there may be regarding the extent of the injury before arriving at the point where the impairment rating (IR) must be determined by the hearing officer. Texas Workers' Compensation Commission Appeal No. 941333, decided November 21, 1994. We have also said that it is proper and necessary to resolve an extent-of-injury question when an issue of IR is raised. Texas Workers' Compensation Commission Appeal No. 961337, decided August 12, 1996. The issue of claimant's IR was decided at a prior hearing. The decision and order from that hearing indicates that the issue of extent of injury and claimant's cervical spine was raised and considered at that time. In that prior decision, the hearing officer accorded presumptive weight to the designated doctor's IR, which included impairment regarding the cervical spine. That decision and order was appealed, affirmed by the Appeals Panel, and then appealed to the district court. The decision of the Appeals Panel regarding benefits is binding during the pendency of an appeal. Section 410.205(b).<sup>1</sup> Carrier may not relitigate this issue of extent of injury at this time. We perceive no error in the hearing officer's determination regarding extent of injury.

We affirm the hearing officer's decision and order.

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<sup>1</sup>During judicial review of an Appeals Panel decision on any disputed issue relating to a workers' compensation claim, the Texas Workers' Compensation Commission retains jurisdiction of all other issues related to the claim. Section 410.207.

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

**C. T. CORPORATION SYSTEM  
350 N. ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Robert W. Potts  
Appeals Judge