

APPEAL NO. 012607  
FILED DECEMBER 3, 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 begun on August 13, 2001. The CCH was continued until October 9, 2001, and concluded on that date. The issues at the CCH concerned whether the appellant (claimant) sustained a compensable injury on \_\_\_\_\_; whether the respondent (self-insured) is relieved of liability because of the claimant's failure to timely notify the employer of the claimed injury; and whether the claimant had disability.

Information was presented at the first session of the CCH that the claimant is deceased, not as a result of the claimed injury. The claimant's father appeared, representing and establishing with documentation that he is sole managing conservator for the claimant's minor child. The self-insured filed several preliminary motions which contested, among other matters, the standing of the claimant's father to pursue the claim on behalf of the minor child. The hearing officer continued the CCH until October 9, 2001, to allow the claimant's father "an opportunity to present evidence such as letters testamentary or other appropriate evidence to establish his right to pursue the claim to benefits." The claimant's father did not present such evidence at the second session of the CCH. The hearing officer determined that "[t]he evidence presented does not adequately indicate that [the claimant's father] has a right to pursue a claim to benefits from an alleged workers' compensation injury on \_\_\_\_\_ to [claimant]" and that the claimant's father is not entitled to benefits for the alleged injury. These determinations have been appealed by the attorneys who represented the claimant's father at the CCH. They argue that the hearing officer did not address the disputed issues, and that the hearing officer is incorrect in his determination that the claimant's father has no authority to pursue the workers' compensation claim. They seek reversal of the hearing officer's decision, with findings rendered favorably to the claimant on the disputed issues, or, in the alternative, remand for a complete hearing on the contested issues. The self-insured responds, urging affirmance of the hearing officer's decision and order.

DECISION

Affirmed.

We completely agree with the hearing officer's approach to this case. He was presented with a preliminary question of whether he had jurisdiction to decide the contested issues. He applied the general legal principle that a court always has jurisdiction to determine whether it has jurisdiction over a particular case. He correctly decided that the claimant's father did not present sufficient evidence to show that he had standing to and was entitled to pursue workers' compensation benefits on behalf of the claimant's estate and therefore properly declined to address the disputed issues.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**JP  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge