

APPEAL NO. 013193
FILED FEBRUARY 12, 2002

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 November 26, 2001. The hearing officer determined that the respondent (claimant) was not entitled to supplemental income benefits (SIBs) for the 10th and 11th quarters. The appellant (self-insured) appealed, arguing that the hearing officer erred in determining that the claimant had applied for and received SIBs for quarters 1 through 9.

The self-insured asserts on appeal that the hearing officer erred by making a finding that the claimant applied for and received the first nine quarters of SIBs. The self-insured requests that the hearing officer's determination be reformed to reflect that the claimant applied for and received SIBs for quarters 1 through 8. There is no response from the claimant to the self-insured's request for review in the appeal file.

DECISION

Affirmed as reformed on the appealed finding.

The hearing officer's Finding of Fact No. 3 reads:

Claimant applied for and received [SIBs] for quarters 1 through 9.

The self-insured correctly points out that the hearing officer erred in determining that the claimant had applied for and received SIBs for quarters 1 through 9, although we do not agree that this leads to the action requested by the self-insured. We note that there was no issue raised as to entitlement for the quarters preceding the 10th and 11th quarters, nor was there any evidence (including the SIBs application for the 9th quarter cited by the self-insured but not present in the record) brought forward of application and receipt of SIBs for previous quarters. Therefore, a determination in the form of this fact finding was not required, and does not comprise an adjudication of such quarters. Likewise, we cannot reverse and render a decision as there was neither an issue nor evidence to support any rendered finding. Accordingly, we reform by striking Finding of Fact No. 3 from the decision.

Affirmed as reformed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

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

Susan M. Kelley
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge