

APPEAL NO. 020058  
FILED FEBRUARY 26, 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 (CCH) was held on August 9, 2001. The issue at the CCH was:

1. Does the compensable injury sustained by the [respondent] claimant include the condition of spondylolisthesis and degenerative disc disease of the lumbar spine?

The hearing officer concluded that he "lacks jurisdiction in a [CCH] to issue a declaratory judgment, or to review the [Texas Workers' Compensation] [C]ommission spinal surgery determination" and the decision is that "[t]he matter is dismissed for want of jurisdiction." The Appeals Panel reversed and remanded for determination of the issue, in Texas Workers' Compensation Commission Appeal No. 012144, decided October 24, 2001.

The hearing officer determined that the conditions of spondylolisthesis and degenerative disc disease are part of the claimant's compensable injury. The appellant (carrier) appeals, reciting some of the factual history, and arguing that as early as June 1999 "[carrier] was not agreeing to pay benefits . . . associated with the claimant's underlying degenerative disc disease and spondylolisthesis." The file does not contain a response from the claimant.

DECISION

Affirmed.

The previous decision recited the history of accident and treatment. We incorporate that decision by reference in this decision. In addition to the facts stated therein, it is important to add that the claimant was involved in a one-car motor vehicle accident a month following his compensable injury.

While different inferences could be drawn from the record, the hearing officer's determination on extent of the spinal injury in this case is not so against the great weight and preponderance of the evidence as to be manifestly unfair or unjust (In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951)), and we affirm the 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, TEXAS 78701.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge