

APPEAL NO. 020109
FILED FEBRUARY 25, 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 December 4, 2001. The hearing officer resolved the disputed issues by determining that (1) the respondent (claimant) did not suffer a new injury on _____, 2001; (2) that respondent (carrier 1) is not relieved of liability for its claim arising from the injury of _____, 2000; (3) that the claimant's disability was continuing on April 18, 2001, from the injury of _____, 2000, and has continued through the date of the hearing; (4) that appellant (carrier 2) would not be relieved of liability for this claim since it had actual knowledge of the claimant's potential injury within 30 days of _____, 2001; (5) that carrier 2 did not waive its right to contest compensability since it contested within 60 days of written notice of a claim; and (6) that the claimant's disability is attributable to the injury of _____, 2000, and not the incident on _____, 2001. Carrier 2 appealed the hearing officer's determination that it would not be relieved of liability for this claim since it had actual knowledge of the claimant's potential injury within 30 days of _____, 2001, on sufficiency grounds. Carrier 2 further requested a Nunc Pro Tunc Order to correct the heading of the hearing officer's decision and order. There are no responses in the file from carrier 1 or the claimant. All of the hearing officer's unappealed determinations have become final. Section 410.169.

DECISION

The hearing officer's decision and order are affirmed as reformed.

We first address carrier 2's request to correct a "clerical" error in the heading section of the hearing officer's decision and order. In the heading section of his decision and order, the hearing officer identifies Texas Municipal Intergovernmental Risk Management Pool (TMIR) as carrier 1, and Insurance Company of the State of Pennsylvania (ICSP) as carrier 2. Upon review of the decision and order, we find that this was in fact a "clerical" error and reform the heading of the decision and order to conform with the rest of the document. The heading is reformed to reflect that ICSP is carrier 1, and TMIR is carrier 2.

Carrier 2 appealed the hearing officer's determination that it had actual knowledge of the claimed injury within 30 days of its occurrence. However, the hearing officer also determined that the claimant did not sustain a new injury and that carrier 2 is not liable for benefits on the _____, 2001, claim. As the hearing officer's decision on this issue is favorable to carrier 2, it was not aggrieved by the hearing officer's resolution of this issue and we will not consider carrier 2's appeal of this issue.

The hearing officer's decision and order are affirmed as reformed.

The true corporate name of insurance carrier 1 is **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.**

The true corporate name of insurance carrier 2 is **SELF-INSURED THROUGH TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL** and the name and address of its registered agent for service of process is

**DON WALLACE, EXECUTIVE DIRECTOR
714 EAST 10TH
CISCO, TEXAS 76437.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Terri Kay Oliver
Appeals Judge

Robert W. Potts
Appeals Judge