

APPEAL NO. 020212  
FILED MARCH 7, 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 January 3, 2002. The hearing officer determined that the respondent (claimant) had disability from January 29, 2001, through the date of the CCH.

The appellant (carrier) appealed, contending that the claimant had worked after his stipulated back injury and therefore did not have disability as defined in Section 401.011(16). The claimant responded, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. Although the claimant had continued to work for a period of time after his compensable low back injury of \_\_\_\_\_, he had promptly sought medical care and continued treating with that doctor until that doctor retired at the end of December 2000. The claimant's new doctor ordered an MRI which showed a large left disk herniation at L5-S1 and the new doctor took the claimant off work on January 29, 2001. The carrier attacks the quality of the claimant's treatment with the new treating doctor; however, even the carrier's required medical examination doctor concedes that the claimant has a herniated disk which will probably require surgery and only places the claimant on light duty. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ST. PAUL FIRE AND MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, COMMODORE 1, SUITE 750  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Edward Vilano  
Appeals Judge