

APPEAL NO. 020413
FILED APRIL 15, 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 January 15, 2002. The hearing officer determined that the appellant (carrier) is liable for the expenses of spinal surgery related to the respondent's (claimant) compensable injury. On appeal, the carrier contends that this determination is erroneous and is based upon factual determinations that are against the great weight and preponderance of the evidence. The claimant responds, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the carrier waived the right to a second opinion doctor by not making a request within the time period prescribed by Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 133.206(g) (Rule 133.206(g)) and, therefore, is liable for the costs of the claimant's spinal surgery. The evidence reflects that the carrier did not make such request until March 6, 2001, although the Texas Workers' Compensation Commission advised that the request must be made no later than March 2, 2001, the deadline prescribed by Rule 133.206(g)(1). Nothing in our review of the record indicates that the hearing officer's decision is 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).

Accordingly, the decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **THE CONNECTICUT INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge