

APPEAL NO. 020778
FILED MAY 8, 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 March 5, 2002. The appellant (carrier) appeals, contending that the hearing officer erred in his determination that the respondent (claimant) sustained a compensable injury in the course and scope of her employment on _____, and that the claimant had disability from _____, through the date of the CCH. The claimant files a response, urging affirmance.

DECISION

Affirmed.

After review of the record before us and the complained-of determinations, we have concluded that there is sufficient support for the hearing officer's decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**TIM KELLY
AIG
675 BERING, 3RD FLOOR
HOUSTON, TEXAS 77057.**

Roy L. Warren
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

CONCURRING OPINION:

Because the issue posed by the shower injury in the hotel room is a question not only of fact but of law, I am writing separately to note that the very case law cited by the appellant in its brief (North River Insurance Company v. Purdy, 733 S.W.2d 630 (Tex. App.-San Antonio 1987, no writ; Aetna Casualty & Surety Company v. Orgon, 721 S.W.2d 572 (Tex. App.-Austin 1986, writ ref'd n.r.e.)), fully supports the coverage afforded to this accident; the small factual distinctions by which the appellant seeks to distinguish this case do not go to the heart of the reason for covering such hotel injuries as articulated in those cases.

Susan M. Kelley
Appeals Judge