

APPEAL NO. 021425  
FILED JULY 22, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on May 9, 2002. The appellant (claimant) appeals the hearing officer's decision that she has not had disability and requests that we modify the decision so that it conforms to the hearing officer's Finding of Fact No. 11, which finding was in the claimant's favor on the disability issue. No response was received from respondent one (carrier one) or from respondent two (carrier two). There is no appeal of any other determination made by the hearing officer on the disputed issues.

DECISION

As modified herein, the hearing officer's decision is affirmed.

Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." In the discussion portion of the decision, the hearing officer states "I find disability beginning October 17, 2001, and continuing through April 8, 2002." Finding of Fact No. 11 states "As a result of her right shoulder rotator cuff injury, the Claimant was unable to obtain and retain employment at preinjury wages beginning October 17, 2001, and continuing through April 8, 2002." In other findings of fact, the hearing officer found that the claimant sustained a right rotator cuff tear in the course and scope of her employment and gave timely notice of injury. The hearing officer determined that the claimant sustained a compensable right shoulder injury and gave timely notice of injury.

Conclusion of Law No. 6 states "The Claimant did not have disability." The hearing officer's decision states "The claimant did not have disability." Conclusion of Law No. 6 and the hearing officer's decision on the disability issue are not consistent with the hearing officer's statement in the discussion portion of his decision nor with Finding of Fact No.11.

We modify Conclusion of Law No. 6 and the hearing officer's decision to conform to his finding of fact on the disability issue. Accordingly, with regard to the disability issue, Conclusion of Law No. 6 and the hearing officer's decision are modified to state "**The claimant had disability beginning on October 17, 2001, and continuing through April 8, 2002.**" We do not modify any other portion of the hearing officer's decision.

The hearing officer's decision and order, as modified herein, are affirmed.

The true corporate name of insurance carrier one is **GENERAL ACCIDENT INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C. J. FIELDS  
5910 NORTH CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75206.**

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

**CT CORPORATION  
350 N. ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Michael B. McShane  
Appeals Judge