

APPEAL NO. 021821  
FILED SEPTEMBER 5, 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 July 1, 2002. The hearing officer determined that the compensable injury of respondent (claimant) includes the left shoulder but does not include the right wrist ganglion cyst. Appellant (carrier) appealed the determination regarding the left shoulder on sufficiency grounds. Carrier also contends that the hearing officer made superfluous determinations that should be "reversed." The file does not contain a response from claimant.

DECISION

We affirm as modified.

We have reviewed the complained-of determination regarding the scope of the injury and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is 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).

There was no issue before the hearing officer regarding payment of temporary income benefits (TIBs), disability, maximum medical improvement (MMI), or the need for reexamination by a designated doctor, and no evidence was presented in this regard. Therefore, the hearing officer's finding of fact No. 9, Conclusion of law No. 4, and that portion of the order that states that carrier is ordered to pay TIBs if claimant has disability, and until claimant reaches MMI, are superfluous and we strike that finding and conclusion and that part of the order.

As modified, we affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL**  
**9330 LBJ FREEWAY, SUITE 1200**  
**DALLAS, TEXAS 75243.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge