

APPEAL NO. 030223
FILED MARCH 11, 2003

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 7, 2003. With respect to the issues before her, the hearing officer determined that the respondent (claimant) did not sustain a compensable injury on _____, and that he did not have disability. In its appeal, the appellant (carrier) contends that the hearing officer made what appears to be a typographical error in Finding of Fact No. 3. The claimant did not respond to the carrier's appeal or appeal the hearing officer's legal conclusions that he did not sustain a compensable injury and did not have disability.

DECISION

Affirmed, as modified.

A review of the hearing officer's decision demonstrates that she did make a typographical error in Finding of Fact No. 3, which states "[t]he claimant was unable to obtain and retain employment at wages equivalent to his wage of _____, from July 2, 2002 through January 7, 2003 as a result of any alleged injury of _____." In her discussion, the hearing officer states that the claimant "failed to prove that he sprained his lower back on _____ **and had disability for six months thereafter.**" (Emphasis added.) From this statement, it is apparent that the hearing officer intended to find that the claimant did not sustain his burden of proving disability separate and apart from finding that he did not have disability because he did not sustain a compensable injury. Thus, we modify Finding of Fact No. 3 as follows: "[t]he claimant was **not** unable to obtain and retain employment at wages equivalent to his wage of _____, from July 2, 2002 through January 7, 2003 as a result of any alleged injury of _____."

As so modified, the hearing officer's decision and order are affirmed.

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

**JOSEPH KELLY-GRAY
6907 CAPITAL OF TEXAS HIGHWAY NORTH
AUSTIN, TEXAS 78755.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge