

APPEAL NO. 030706
FILED MAY 6, 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 (CCH) was held on February 27, 2003. The hearing officer determined that the Texas Workers' Compensation Commission has jurisdiction to determine whether the compensable injury extends to the left shoulder and right hip, but does not have the jurisdiction to determine the alleged period of disability through March 5, 2001; that the appellant's (claimant) compensable injury of _____, does not extend to the left shoulder or right hip; and that the claimant had disability only from June 22 through September 12, 2001.

The claimant appeals, contending that the compensable injury does include the left shoulder and right hip, restating some of his testimony at the CCH. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable (back) injury on _____. At a CCH held on March 5, 2001, another hearing officer determined that the claimant "suffered a lumbar and cervical strain" injury and had disability from January 16 until March 13, 2000. In the current case, the claimant contends that the compensable injury extends to the left shoulder and right hip and that he has had disability to the date of this CCH. The carrier contends that the extent-of-injury issue was resolved at the March 2001 CCH, which was appealed and affirmed by the Appeals Panel in Texas Workers' Compensation Commission Appeal No. 010575, decided April 19, 2001, and is therefore *res judicata*.

The hearing officer, in his discussion, sets out the reasoning for his decision. We have reviewed the complained-of determinations and conclude that the hearing officer correctly applied the law as set out in his discussion and that the factual determinations on the extent of injury and disability are supported by the evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Accordingly, the hearing officer's decision and order are affirmed.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge