

APPEAL NO. 030816
FILED MAY 8, 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 12, 2003. The parties entered into an agreement at the hearing. The hearing officer issued a decision consistent with the parties' agreement that (1) the appellant (claimant) sustained a compensable injury on _____, which included only a strain/sprain of his lumbar spine; (2) the claimant did not sustain a knee injury on _____; (3) the claimant had disability from November 22, 2001, through December 21, 2001, and had no other period of disability; and (4) the claimant reached maximum medical improvement on January 22, 2002, with a five percent impairment rating in accordance with the findings of Dr. U. The claimant appeals, these determinations on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. Section 410.166 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 147.4(c) (Rule 147.4(c)) provide, in part, that an oral agreement of the parties that is preserved in the record is final and binding on the date made. Rule 147.4(d)(1) further provides, in part, that an oral agreement is binding on a claimant represented by an attorney through the final conclusion of all matters relating to the claim, whether before the Texas Workers' Compensation Commission (Commission) or in court, unless set aside by the Commission or court on a finding of fraud, newly discovered evidence, or other good and sufficient cause. The claimant agreed on the record at the CCH, albeit with some hesitation, to the resolution of the issues as reflected in the hearing officer's decision. The claimant does not articulate, in his appeal, good and sufficient cause to set aside the agreement and none is apparent in the record. Accordingly, we find no basis to reverse the hearing officer's decision.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER
1999 BRYAN STREET
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge