

APPEAL NO. 031035
FILED MAY 22, 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 March 14, 2003, with the record closing on March 24, 2003. On the sole issue, the hearing officer determined that the compensable injury of _____, does not extend to or include the cervical spine and lumbar spine. The appellant (claimant) appeals the determination on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The record shows that the claimant met with an ombudsman to discuss his case on March 14, 2003, the date of the hearing. During the meeting, it became apparent to the ombudsman that the claimant did not wish to proceed with the issue of extent-of-injury which was certified in the benefit review conference report; instead, the claimant sought to pursue an issue of entitlement to income benefits. The ombudsman informed the claimant that he should appear at the hearing and state his position on the record. The claimant did not appear at the CCH. On March 14, 2003, the hearing officer issued a "show cause" letter, requiring the claimant to contact the local office by letter or telephone concerning his claim. The claimant did not respond to the "show cause" letter. The hearing officer closed the record on March 24, 2003.

The hearing officer did not err in determining that the compensable injury of _____, does not extend to or include the cervical and lumbar spine. The claimant had the burden of proof on this issue. Texas Workers' Compensation Commission Appeal No. 030448, decided April 16, 2003. The claimant presented no evidence and articulates no good cause for failing to appear at the hearing below. Accordingly, we find no basis to reverse the hearing officer's decision.

The decision and order of the hearing officer are affirmed.

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

**MR. DAVE WOODS
14160 DALLAS PARKWAY, SUITE 500
DALLAS, TEXAS 75254.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge