

APPEAL NO. 031419  
FILED JULY 23, 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 May 6, 2003. The hearing officer determined that the appellant (claimant) had disability only for the period from January 11, 2001, through April 29, 2002, as a result of the compensable injury. The claimant appeals, asserting that the only issue in the case was disability, and that the hearing officer went beyond his authority and decided an issue of extent of injury that was not properly before him. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed, as reformed.

There was conflicting evidence presented at the CCH on the disputed issue of disability. The hearing officer's determination that the claimant had disability for the period January 11, 2001, through April 29, 2002, 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).

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The claimant, however, argues that the hearing officer erroneously found that the claimant's compensable injury was limited to a lumbar strain. We note that the only issue reported out of the benefit review conference was disability. There was no issue on extent of injury. We have encouraged hearing officers to indicate the nature of the injury when determining whether an injury existed. However, we have also stated that it is not appropriate for a hearing officer to make a final determination on the issue of extent of injury when the issue of extent of injury is not before the hearing officer. See Texas Workers' Compensation Commission Appeal No. 001239, decided July 13, 2000, and Texas Workers' Compensation Commission Appeal No. 002898, decided January 29, 2001. As we have done in earlier cases, we consider the finding by the hearing officer concerning the extent of the claimant's injury to be beyond the scope of the issue before him, and we consider it surplusage. We reform the hearing officer's decision purporting to determine the extent of the claimant's compensable injury by striking the words "in the form of a lumbar strain" from Finding of Fact No. 2. We also reform the hearing officer's decision to delete the word "only" from Conclusion of Law No. 3 and the Decision paragraph.

We affirm the decision and order of the hearing officer, as reformed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** 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.**

---

Michael B. McShane  
Appeals Panel  
Manager/Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Chris Cowan  
Appeals Judge