

APPEAL NO. 032175
FILED OCTOBER 7, 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 July 22, 2003. The hearing officer determined that the respondent (claimant) did not sustain an injury while in the course and scope of her employment on _____; that she did not have disability; that the appellant (carrier) waived the right to contest compensability of the claimed injury by not disputing it in accordance with Section 409.021; and that because the carrier waived the right to contest compensability of the claimed injury, the claimant's injury became compensable as a matter of law. The carrier appeals the waiver determination and its effect on compensability. The appeal file contains no response from the claimant.

DECISION

Affirmed.

The Payment of Compensation or Notice of Refused or Disputed Claim (TWCC-21) in this case indicates that the carrier first received written notice of the claimant's claimed injury on February 5, 2003. The TWCC-21 was received by the Texas Workers' Compensation Commission nine days later on February 14, 2003. The hearing officer concluded that the carrier waived its right to contest the compensability of the claimed injury by not timely contesting an injury in accordance with Section 409.021.

The carrier contends on appeal that the seven-day "pay or dispute" provision contained in Continental Casualty Company v. Downs, 81 S.W.3d 803 (Tex. 2002), does not apply to the facts of this case because Texas House Bill 2199 (HB 2199), which amends Section 409.021, effective September 1, 2003, should be applied retroactively. We have previously considered and rejected this argument in Texas Workers' Compensation Commission Appeal No. 031781, decided August 26, 2003. Since the carrier did not agree to initiate benefits or dispute compensability within seven days after it received written notice of injury, the hearing officer did not err in determining that the carrier waived the right to contest compensability and that the claimant's injury is compensable as a matter of law. See Texas Workers' Compensation Commission Appeal No. 030380-s, decided April 10, 2003.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals y Judge

Edward Vilano
Appeals Judge