

APPEAL NO. 032544
FILED OCTOBER 27, 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 September 3, 2003. The hearing officer determined that appellant/cross-respondent (claimant) did not sustain a compensable injury; that claimant timely reported the claimed injury; and that there is no date of injury. The hearing officer did determine that the date that claimant first knew or reasonably should have known her condition may have been related to her employment is _____. Claimant appealed the adverse determination regarding compensability on sufficiency grounds. Claimant also disagreed with the determination regarding date of injury. Respondent/cross-appellant (carrier) responded that the Appeals Panel should affirm the complained-of determinations. Carrier appealed the determinations regarding timely reporting of the claimed injury. The file does not contain a response from claimant.

DECISION

We affirm in part and reverse and render in part.

We have reviewed claimant's appeal and the complained-of determinations related to compensability and conclude that the issue involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are 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). With regard to the determination that there is no date of injury, we reverse that determination and render a decision that the date of injury is _____. We note that a date of injury determination is made not to indicate that an injury is compensable, but to give a date so that the hearing officer can then determine if there was timely notice. We emphasize that, given the hearing officer's other determinations, our reversal of the determination regarding date of injury does not change the outcome of this case.

Carrier appeals the determinations regarding whether claimant timely reported her claimed injury. The hearing officer could find from claimant's testimony that she timely reported her alleged new injury to Mr. D. We conclude that the hearing officer's determination in this regard is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust.

We affirm that part of the hearing officer's decision that determined that claimant did not sustain a compensable injury and that she timely reported her claimed injury. We reverse the hearing officer's determination that there is no date of injury and render a decision that the date of injury is _____.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge