

APPEAL NO. 032883
FILED DECEMBER 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 was held on October 2, 2003. The record closed on October 10, 2003. The hearing officer determined that the date of injury is _____; that appellant (carrier) is relieved from liability under Section 409.002 because respondent (claimant) did not timely report the injury to his employer; and that the work-related injury is not compensable because it was not timely reported. The hearing officer also determined that claimant did not have disability. Despite the fact that it prevailed, carrier contends the hearing officer erred in determining that repetitive work was the cause of claimant's condition and that claimant has been unable to obtain or retain employment at wages equivalent to his wages from July 30, 2002, through the date of the hearing. There is no appeal and no response on file from the claimant.

The determinations that the date of injury is _____, and that carrier is relieved from liability because of claimant's failure to timely notify his employer of the injury have not been appealed and have become final. Section 410.169.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the date-of-injury and disability issues 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).

We affirm the hearing officer's decision and order.

According to information provided by carrier, 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.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge