

APPEAL NO. 033047
FILED JANUARY 13, 2004

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 scheduled to be held on October 28, 2003. Prior to the CCH, the parties entered into an agreement disposing of the sole issue in dispute, the issue of disability. The hearing officer issued a decision based upon the agreement of the parties. The appellant (carrier herein) files a request for review in which it contends that the hearing officer misstated the agreement of the parties in his decision. The carrier requests that we reverse the decision of the hearing officer and render a decision consistent with the agreement of the parties. There is no response from the respondent (claimant) to the carrier's request for review in the appeal file.

DECISION

We reform the decision of the hearing officer to reflect the agreement of the parties and affirm the decision of the hearing officer as reformed.

The issue reported out of the benefit review conference was whether the claimant had disability resulting from the injury sustained on _____, and if so, for what period(s). There had been an earlier CCH held on April 1, 2003, at which it had been determined that the claimant had disability from April 17, 2002, through April 1, 2003. This earlier CCH decision was affirmed in Texas Workers' Compensation Commission Appeal No. 031037, decided June 10, 2003.

The hearing officer's decision in the present case reflects that prior to the CCH being convened the parties submitted a Benefit Dispute Agreement (TWCC-24) disposing of the sole disputed issue in the case. The TWCC-24 states in relevant part as follows:

The parties agree that the claimant sustained disability from April 16, 2003 to the present and continuing.

However, the hearing officer's decision states that the agreement recites that the claimant sustained disability from April 16, 2002, to the present and continuing, and the hearing officer bases his decision on this. Clearly the references to April 16, 2002, are typographical errors. We therefore reform the hearing officer's decision to read "April 16, 2003," whenever it reads "April 16, 2002."

As reformed, the decision and order of the hearing officer are affirmed.

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.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge