

APPEAL NO. 033225
FILED JANUARY 22, 2004

This appeal after remand arises pursuant to the Texas Worker's Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 29, 2003. The hearing officer decided that respondent (claimant) did not sustain a compensable injury on _____; that claimant gave timely notice to her employer of the alleged injury; and that since claimant did not sustain a compensable injury, she did not have disability. Claimant appealed the adverse determinations regarding compensability and disability on sufficiency grounds. Appellant (carrier) responded, arguing that the evidence supports the complained-of determinations. The Appeals Panel reversed the hearing officer's decision and order and remanded for the hearing officer to reconsider the issues and certain evidence. Texas Workers' Compensation Commission Appeal No. 032385, decided October 17, 2003. The Appeals Panel also noted that the hearing officer's determination that the carrier is not relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001 was not appealed and had become final. Section 410.169. The hearing officer reconsidered the evidence without holding a hearing and, on remand, determined that claimant sustained a compensable injury and that she had disability from April 15, 2002, through the date of the hearing. Carrier appeals these determinations on sufficiency grounds. Claimant responds that the hearing officer should affirm the decision and order.

DECISION

We affirm.

We note that carrier appealed the hearing officer's determination regarding timely notice. However, as noted above, the determination regarding timely notice had already become final. We decline to address this issue for that reason. We have reviewed the complained-of determinations regarding compensability and disability and conclude that the 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.

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

**ROBERT PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231-4813.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge