

APPEAL NO. 040913
FILED JUNE 10, 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 held on February 3, 2004. The hearing officer determined that: (1) the appellant's (claimant) compensable injury of _____, extends to and includes a sprain/strain of the cervical spine but does not extend to nor include herniated discs at C2-3, C3-4, C4-5, and C5-6; (2) the claimant's compensable injury of _____, includes medial meniscus tear, chondromalacia, and anterior cruciate ligament tear of the left knee after October 7, 2003; and (3) the respondent (carrier) did not waive the right to contest compensability of the claimed injuries by contesting the injury in accordance with Section 409.021. The claimant appealed the hearing officer's extent-of-injury determination that states that the compensable injury of _____, does not extend to nor include herniated discs at C2-3, C3-4, C4-5, and C5-6. The appeal file does not contain a response from the carrier. The hearing officer's extent of injury in the form of a sprain/strain to the cervical spine, extent-of-injury to the left knee, and carrier's waiver determinations were not appealed and have become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer reviewed the record and decided what facts were established. The hearing officer was persuaded by the medical evidence that the claimant's compensable injury of _____, does not extend to nor include herniated discs at C2-3, C3-4, C4-5, and C5-6. We conclude that the hearing officer's determination 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. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIRST LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Thomas A. Knapp
Appeals Judge