

APPEAL NO. 041239
FILED JULY 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 was held on April 29, 2004. The hearing officer determined that: (1) respondent 1 (claimant) was not engaged in horseplay at the time of his injury, and respondent 2 (carrier) is not relieved of liability for that compensable injury; and (2) the claimant had disability from November 6, 2003, through January 14, 2004. The appellant (employer) appealed. The file does not contain an appeal from the carrier. No responses to the employer's appeal were filed.

DECISION

We dismiss the employer's appeal for lack of standing.

As stated above, the employer seeks to appeal the hearing officer's decision and order. The record reflects that the carrier did not accept liability in this case and the employer was not a party at the hearing below. Accordingly, the employer has no standing to appeal the decision of a hearing officer. Texas Workers' Compensation Commission Appeal No. 92110, decided May 11, 1992; Texas Workers' Compensation Commission Appeal No. 94069, decided March 1, 1994; Texas Workers' Compensation Commission Appeal No. 001946, decided October 2, 2000; Texas Workers' Compensation Commission Appeal No. 012017, decided October 16, 2001.

For the reasons stated above, the employer's appeal is dismissed for lack of standing.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge