

APPEAL NO. 041712  
FILED SEPTEMBER 9, 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 June 17, 2004. The hearing officer determined that the employer did not make a bona fide offer of employment (BFOE) to the respondent (claimant); that the claimant had disability beginning on August 1, 2003, and continuing through the date of the CCH; and that the compensable injury of \_\_\_\_\_, extends to include a disc herniation at C3-4 and C5-6, and cauda equina syndrome. The appellant (carrier) appealed the adverse determinations. The claimant responded, urging affirmance.

DECISION

Affirmed, as reformed.

We note Finding of Fact No. 6 contains a typographical error with regard to the date of the compensable injury. We correct this typographical error by reforming Finding of Fact No. 6 to read "\_\_\_\_\_" as the date of the claimant's compensable injury, rather than (wrong date of injury).

The hearing officer did not err in determining that the employer did not extend a BFOE to the claimant. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 129.6(c) (Rule 129.6(c)) sets out the requirements for a BFOE. The employer offered two jobs to the claimant on August 5, 2003, and September 13, 2003. Essentially, the hearing officer determined that for the first job offer the treating doctor had rescinded the claimant's release to light duty before he received the job offer, and that for the second job offer the treating doctor had not released the claimant to return to work in any capacity. Also, the hearing officer found that both job offers did not comply with the requirements of Rule 129.6 because they did not list the schedule the claimant would be working, and a description of the physical and time requirements that the position would entail, and that the location of the job was not geographically accessible to the claimant. We conclude that the hearing officer's determination that the employer did not tender a BFOE to the claimant is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We have reviewed the complained-of disability and extent-of-injury determinations and conclude that these 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 on these issues 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, *supra*.

The hearing officer's decision and order are affirmed, as reformed.

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

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge