

APPEAL NO. 041730
FILED SEPTEMBER 7, 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 June 22, 2004. The disputed issue was whether the respondent's (claimant) compensable injury of _____, extends to include several listed lumbar conditions. The hearing officer found against the claimant on the disputed issue. The appellant (carrier) requests that the hearing officer's conclusion of law and decision on the disputed issue be revised to comport with her finding of fact that, along with the other listed conditions, the claimant's lumbar sprain/strain was not caused or worsened by the claimant's work-related injury of _____. No appeal or response was received from the claimant.

DECISION

Affirmed as reformed herein.

In Finding of Fact No. 4 the hearing officer specified each of the lumbar conditions listed in the disputed issue, including the lumbar sprain/strain, and found that none of the lumbar conditions listed in the disputed issue were caused or worsened by the claimant's work-related injury of _____. There is no finding of fact that any of the disputed lumbar conditions, including the lumbar sprain/strain, are part of the compensable injury. However, as pointed out by the carrier, the hearing officer failed to include the lumbar sprain/strain in Conclusion of Law No. 3 and the Decision section of her Decision and Order. Since it is clear from Finding of Fact No. 4 that the hearing officer found that the lumbar sprain/strain was not caused or worsened by the claimant's work-related injury, we believe that the hearing officer made a clerical error in failing to include the lumbar sprain/strain in Conclusion of Law No. 3 and the Decision section of her Decision and Order. Accordingly, we reform Conclusion of Law No. 3 and the Decision section of the hearing officer's Decision and Order as follows:

The compensable injury of _____, does not include or extend to include a lumbar sprain/strain, lumbar radiculopathy, disc bulge at L4-5 and L5-S1, spondylolisthesis at L4-5, or degenerative disc disease at L4-5 and L5-S1.

As reformed herein, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **GREAT AMERICAN INSURANCE COMPANY OF NEW YORK** 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.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge