

APPEAL NO. 042276
FILED NOVEMBER 3, 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 August 18, 2004. The hearing officer determined that the _____, compensable low back injury of appellant (claimant) did not include herniated nucleus pulposus (HNPs) from L2-S1, and that claimant had disability beginning February 11, 2004, and continuing through the date of the hearing. Claimant appealed the determination regarding extent of injury on sufficiency grounds. Respondent (carrier) responded that the hearing officer did not err in making the determination regarding extent of injury. Carrier also asserted that the hearing officer's decision and order had become final because claimant failed to serve a copy of the request for review on carrier.

DECISION

We affirm.

Carrier asserts that the hearing officer's decision has become final and claimant's request for review cannot be considered because claimant failed to serve carrier with a copy of the request for review. The failure of a party to serve an appeal on the other party may have the effect of extending the time that the other party has to file a response, but it does not deprive the Appeals Panel of jurisdiction over the appeal. Texas Workers' Compensation Commission Appeal No. 041161, decided July 5, 2004.

We have reviewed the complained-of determination 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.

According to information provided by carrier, the true corporate name of the insurance carrier is **NATIONAL FIRE INSURANCE COMPANY OF HARTFORD** and the name and address of its registered agent for service of process is

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

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge