

APPEAL NO. 061900  
FILED NOVEMBER 21, 2006

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 August 10, 2006. The hearing officer only resolved the first disputed issue by deciding that the respondent/cross-appellant's (claimant) compensable injury of \_\_\_\_\_, does extend to and include an injury of 1.5 mm disc bulge at C5-C6. The appellant/cross-respondent (carrier) appealed the hearing officer's extent-of-injury determination with regard to the 1.5 mm disc bulge at C5-C6. The claimant cross-appealed, arguing that the hearing officer failed to make a determination on a second issue of whether the claimant's compensable injury of \_\_\_\_\_, extends to and includes an injury of 1.5 mm disc bulge at L5-S1. Both claimant and carrier responded to the other party's appeal.

DECISION

Affirmed in part and reversed and remanded in part.

**DISC BULGE AT C5-C6**

We note that the hearing officer mistakenly listed the first issue in the Decision and Order as referring to a disc bulge at C5-C5, rather than C5-C6. However, it is undisputed that this issue refers to a disc bulge at C5-C6, and that the hearing officer made findings with regard to the disc bulge at C5-C6. The evidence is sufficient to support the hearing officer's determination that the compensable injury of \_\_\_\_\_, does extend to and include an injury of 1.5 mm disc bulge at C5-C6, and that determination is affirmed.

**DISC BULGE AT L5-S1**

The hearing officer failed to make findings of fact, conclusions of law, and a determination on whether the claimant's compensable injury of \_\_\_\_\_, includes an injury of 1.5 mm disc bulge at L5-S1. In evidence is an "Order On Request For Addition To Statement of Disputes" dated July 25, 2006, in which the hearing officer found good cause to add the extent-of-injury issue on the L5-S1 disc bulge. At the CCH the hearing officer announced the addition of the extent-of-injury issue regarding a disc bulge at L5-S1. The hearing officer, in her background discussion and findings, only addressed the disc bulge at C5-C6. A review of the record indicates that the claimant asserted that the compensable injury included the disc bulge L5-S1. Accordingly, we reverse the hearing officer's decision because it is legally incomplete and remand the case for the hearing officer to consider and make findings of fact, conclusions of law, and a decision on the issue of whether the compensable injury extends to the 1.5 mm disc bulge at L5-S1. No additional evidence should be considered.

We affirm the hearing officer's decision that the compensable injury of \_\_\_\_\_, does extend to and include an injury of 1.5 mm disc bulge at C5-C6. Because the hearing officer's decision is legally incomplete, we reverse the hearing officer's decision that fails to address the L5-S1 disc bulge and remand for the hearing officer to make a determination on the issue of whether the compensable injury of \_\_\_\_\_, includes an injury of a 1.5 mm disc bulge at L5-S1.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Department of Insurance, Division of Workers' Compensation, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Appeals Panel Decision 92642, decided January 20, 1993.

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

**GERARD BUTLER  
2001 BRYAN STREET, SUITE 3400  
DALLAS, TEXAS 75201-3068.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

\_\_\_\_\_  
Thomas A. Knapp  
Appeals Judge

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Margaret L. Turner  
Appeals Judge