

APPEAL NO. 111941  
FILED FEBRUARY 24, 2012

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 et seq. (1989 Act). This case returns following our remand in Appeals Panel Decision (APD) 111246, decided October 28, 2011, for the hearing officer to make findings of fact and conclusions of law consistent with that decision, concerning the issue of disability based on the record developed at the contested case hearing (CCH) held on July 13, 2011. No further CCH was necessary and none was held by the hearing officer. The hearing officer issued a decision on remand determining that the respondent/cross-appellant (claimant) did not have disability resulting from an injury of [date of injury], from December 15, 2010, through the date of the CCH (July 13, 2011).

The appellant/cross-respondent (carrier) appealed Finding of Fact No 3, which states that "[t]he Appeals Panel determined the [c]laimant sustained a compensable injury in the form of a left knee contusion" and that portion of the Order that states [the] "[c]laimant remains entitled to medical benefits for the compensable injury in accordance with [Section] 408.021." The carrier also re-argued its previous position in APD 111246, *supra*, that the claimant did not sustain a compensable injury on [date of injury], and the Appeals Panel exceeded its subject matter jurisdiction in rendering a decision that the claimant sustained a compensable injury. The appeal file does not contain a response to the carrier's appeal.

The claimant cross-appealed the hearing officer's disability determination. The claimant also appealed Finding of Fact No. 3, arguing that the finding misinterprets or misstates what is the Appeals Panel decision in APD 111246, *supra*, and is an attempt to limit the compensable injury to a left knee contusion. The carrier responded, notwithstanding its appeal, urging affirmance that the hearing officer did not err in determining the compensable injury was no more than a left knee contusion and that the claimant was not unable to obtain and retain employment at wages equivalent to his pre-injury wages as a result of the claimed injury and did not have disability.

DECISION

Affirmed, as reformed.

We find no merit in the carrier's complaints regarding the Appeals Panel lacking subject matter jurisdiction or the portion of the hearing officer's Order in his decision that the claimant remains entitled to medical benefits for the compensable injury in accordance with Section 408.021.

Section 410.203(b) was amended effective September 1, 2011, to allow the Appeals Panel to affirm the decision of a hearing officer as prescribed in Section 410.204(a)(1). Section 410.204(a) provides, in part, that the Appeals Panel may issue a written decision on an affirmed case as described in subsection (a-1). Subsection (a-1) provides that the Appeals Panel may only issue a written decision in a case in which the panel affirms the decision of a hearing officer if the case: (1) is a case of first impression; (2) involves a recent change in law; or (3) involves errors at the CCH that require correction but does not affect the outcome of the hearing. This case is a situation that requires correction but does not affect the outcome of the hearing.

In APD 111246, *supra*, the Appeals Panel reversed the hearing officer's determination that the claimant did not sustain a compensable injury on [date of injury], and rendered a new decision that the claimant did sustain a compensable injury on [date of injury]. The Appeals Panel did not limit the compensable injury to a left knee contusion as stated in Finding of Fact No. 3. We reform the hearing officer's findings of fact by striking Finding of Fact No. 3.

Otherwise, the hearing officer's determination that the claimant did not have disability resulting from an injury of [date of injury], from December 15, 2010, through the date of the CCH (July 13, 2011), is supported by sufficient evidence and is affirmed.

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

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3232.**

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Cynthia A. Brown  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Margaret L. Turner  
Appeals Judge

