

APPEAL NO. 120369  
FILED APRIL 18, 2012

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 January 5, 2012, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury of [date of injury], extends to an L5-S1 disc herniation; (2) the respondent (claimant) sustained disability beginning on January 25, 2011, and continuing through July 6, 2011, but not otherwise through the date of the CCH; (3) the claimant reached maximum medical improvement (MMI) on July 6, 2011; and (4) the claimant's impairment rating (IR) is 5%. The appellant (carrier) appeals the hearing officer's determinations that the compensable injury extends to an L5-S1 disc herniation, that the claimant sustained disability for the disputed period, and that the claimant reached MMI on July 6, 2011. The claimant responded, urging affirmance of the disputed determinations. The hearing officer's determination that the claimant's IR is 5% was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed in part and reversed and rendered as reformed.

The hearing officer's determinations that the compensable injury of [date of injury], extends to an L5-S1 disc herniation and that the claimant reached MMI on July 6, 2011, are supported by sufficient evidence and are affirmed.

A review of the CCH recording held on January 5, 2012, reflects that both parties agreed to the disputed disability issue as follows: "[d]id the claimant have disability from [January 25, 2011] through [July 6, 2011] resulting from the [date of injury] compensable injury?" There was no motion or agreement by the parties during the CCH to amend the disability issue to re-define the period of disability in dispute. The disability issue reported in the benefit review conference report reflected the same period of disability in dispute.

The hearing officer made a disability determination for a period of time after July 6, 2011. We find that the hearing officer exceeded her authority in making the determination that the claimant sustained disability "but not otherwise through the date of the [CCH]." We reverse the hearing officer's conclusion of law and decision by striking the phrase "but not otherwise through the date of the [CCH]" which exceeds the scope of the issue before the hearing officer. We render a new decision as reformed that the claimant sustained disability from January 25 through July 6, 2011.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** 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.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

[date of injury]\_\_\_\_\_

Cynthia A. Brown  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge