

APPEAL NO. 130299  
FILED MARCH 20, 2013

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 December 20, 2012, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer determined that the respondent (claimant) sustained a compensable injury on [date of injury], and that the claimant had disability from the [date of injury], compensable injury from October 24, 2012, through the date of the CCH.

The appellant (carrier) appealed the compensable injury determination on a sufficiency of the evidence basis and also asserted that the hearing officer had erred in failing to memorialize a stipulation on disability. The claimant responded, urging affirmance and acknowledged that the hearing officer had omitted a stipulation regarding the disability issue stating that the claimant "is not going to pursue that period."

### DECISION

Affirmed as reformed.

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.

### COMPENSABLE INJURY

The hearing officer's determination that the claimant sustained a compensable injury on [date of injury], is supported by sufficient evidence and is affirmed.

### DISABILITY

The only issue reported out of the benefit review conference was: "Did the claimant sustain a compensable injury on [[date of injury]]?" The claimant requested that an additional issue regarding disability be added. The carrier agreed, provided that the parties stipulate that the claimant did not sustain disability from March 24 through October 23, 2012. The claimant agreed and the hearing officer, on the record, recited a

stipulation that the claimant did not sustain disability from March 24 through October 23, 2012. That stipulation was omitted from the hearing officer's decision and order. The claimant, in his response to the carrier's appeal, acknowledges that the parties had agreed to the stipulation as stated.

We reform the hearing officer's decision and order by adding as Finding of Fact 1. D. the stipulation "the claimant did not sustain disability from March 24, 2012, through October 23, 2012."

The hearing officer's determination that the claimant had disability from the [date of injury], injury from October 24, 2012, to the date of the CCH is supported by sufficient evidence and is affirmed.

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

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

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Carisa Space-Beam  
Appeals Judge

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Margaret L. Turner  
Appeals Judge