

APPEAL NO. 132265
FILED NOVEMBER 26, 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 was held on May 23, 2013, with the record closing on August 12, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the respondent (claimant) did not sustain a compensable injury on [inaccurate date of injury]; (2) the claimant had disability only beginning on [inaccurate date of injury], and continuing through March 13, 2013, but not from March 14, 2013, through the date of the hearing; and (3) the date of injury (DOI) is [date of injury]. The appellant (self-insured) appeals the hearing officer's determinations of compensability, disability, and DOI contending that there was insufficient evidence to prove the claimant was injured while performing her job duties. There was no response from the claimant in the file.

DECISION

Affirmed in part and reversed and rendered in part.

DATE OF INJURY

The hearing officer's determination that the DOI is [date of injury], is supported by sufficient evidence and is affirmed.

COMPENSABILITY

The claimant testified that she sustained an injury to her low back while cleaning rooms. She testified that she first began to feel symptoms in her back on [date of injury], but she continued working and taking over-the-counter medication for her pain. The claimant had to pull more trash than usual on [date of injury] and [day after date of injury], and when she awoke on [inaccurate date of injury], she had severe pain in her back. The hearing officer determined in Finding of Fact No. 5 that "[the] [c]laimant sustained physical damage or harm to the physical structure of her body while in the course and scope of employment on [date of injury]." This finding is supported by sufficient evidence and is affirmed.

The hearing officer determined that the claimant did not sustain a compensable injury on [inaccurate date of injury], and she also determined that the DOI is [date of injury]. We affirm the hearing officer's determination that the DOI is [date of injury], rather than [inaccurate date of injury]. However, the hearing officer failed to make a conclusion of law regarding the compensability of the [date of injury], injury, and she

failed to include it in the Decision portion of the decision and order. We reverse the hearing officer's decision as incomplete and render a new decision that the claimant sustained a compensable injury on [date of injury].

DISABILITY

The hearing officer's determination that the claimant had disability only beginning on [inaccurate date of injury], and continuing through March 13, 2013, but not from March 14, 2013, through the date of the hearing, is supported by sufficient evidence and is affirmed.

SUMMARY

We affirm the hearing officer's determination that the claimant had disability only beginning on [inaccurate date of injury], and continuing through March 13, 2013, but not from March 14, 2013, through the date of the hearing.

We affirm the hearing officer's determination that the DOI is [date of injury].

We reverse the hearing officer's determination regarding compensability as incomplete and render a new decision that the claimant sustained a compensable injury on [date of injury].

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CEO
[ADDRESS]
[CITY], TEXAS [ZIP CODE].**

Cristina Beceiro
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge