

APPEAL NO. 151899
FILED NOVEMBER 17, 2015

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 September 1, 2015, in Denton, Texas, with (hearing officer). presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the respondent (claimant) sustained a compensable injury on (date of injury); and (2) the claimant had disability from December 10, 2014, through February 2, 2015, as a result of the compensable injury of (date of injury). The appellant (carrier) appeals the hearing officer's determinations of compensability and disability. The claimant responded, urging affirmance of the disputed determinations.

DECISION

Affirmed as reformed.

The claimant testified that he was chipping some dry epoxy while at work and a piece of the dried material struck the claimant's left eye. The medical records in evidence reflect that the claimant was diagnosed with a corneal ulcer and that he underwent corneal transplant surgery.

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 disability issue certified on the Benefit Review Conference (BRC) Report is "[d]id the claimant have disability from [December 10, 2014] to [February 2, 2015] as a result of the claimed injury?. The parties agreed at the CCH to the disability issue as certified on the BRC. The claimant testified that he was off work from (date of injury), "until" February 2, 2015. The hearing officer was persuaded that the claimant was unable to obtain or retain employment at wages equivalent to his pre-injury wage for the disability period at issue which is supported by the evidence. However, the hearing officer in Finding of Fact No. 4, Conclusion of Law No. 4, and his decision determined the claimant had disability from December 10, 2014, through February 2, 2015. This determination includes disability of February 2, 2015, which was not at issue before the hearing officer. Accordingly, we reform the description of the disability period in the hearing officer's Finding of Fact No. 4, Conclusion of Law No. 4, and decision to include "to" rather than "through" to conform to the evidence and the issue in dispute.

SUMMARY

We affirm the hearing officer's determination that the claimant sustained a compensable injury on (date of injury).

We affirm as reformed the hearing officer's determination that the claimant had disability from December 10, 2014, to February 2, 2015, as a result of the compensable injury of (date of injury).

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

**PAUL DAVID EDGE
6404 INTERNATIONAL PARKWAY, SUITE 1000
PLANO, TEXAS 75093.**

Margaret L. Turner
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Carisa Space-Beam
Appeals Judge