

APPEAL NO. 030897
FILED MAY 30, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on March 17, 2003. The hearing officer decided that neither respondent 1 (carrier 1), nor respondent 2 (carrier 2) waived the right to dispute compensability of a claimed injury by not contesting the injury in accordance with Section 409.021; that the appellant (claimant) sustained a compensable injury on (date of first injury); that carrier 1 was not relieved of liability from this injury, as the claimant timely reported the (date of first injury), injury to his employer; and that the claimant sustained a compensable repetitive trauma injury with a date of injury of (Subsequent date of injury). The claimant has filed a Contingent Request for Review challenging the hearing officer's finding that carrier 2 did not waive its right to dispute compensability. The claimant stated that this request for review is a contingent appeal and asks that we consider it only if carrier 2 requests review on compensability. Neither carrier 1 nor carrier 2 has filed a request for review, but carrier 1 has responded to the claimant's request for review urging that it be dismissed as moot.

DECISION

The claimant's appeal was conditioned upon the filing of an appeal by carrier 2. Because carrier 2 did not appeal the decision, we dismiss the claimant's Conditional Request for Review. Therefore, the hearing officer's decision has become final pursuant to Section 410.169.

The true corporate name of insurance carrier 1 is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION** for **Colonial Casualty Insurance Company** and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR
9120 BURNET ROAD
AUSTIN, TEXAS 78758.**

The true corporate name of insurance carrier 2 is **COMMERCIAL CASUALTY INSURANCE** and the name and address of its registered agent for service of process is

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

Gary L. Kilgore
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Veronica Lopez
Appeals Judge