

APPEAL NO. 031184
FILED JUNE 23, 2003

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 April 11, 2003. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury to his left eye on _____, and that the respondent (carrier) was relieved of liability because of the claimant's failure to timely file a claim for compensation pursuant to Section 409.003.

The claimant appeals, expressing disagreement with certain of the hearing officer's determinations. The file does not have a response from the carrier.

DECISION

Affirmed.

The claimant testified, and the hearing officer found, that the claimant sustained an abrasion to his left eye when he opened a warehouse door and a foreign object got in his left eye on _____. The abrasion subsequently resulted in an infection, which was treated and resolved.

The parties stipulated (the hearing officer makes factual determinations) that the Employer's First Report of injury or Illness (TWCC-1) was filed with the carrier on October 26, 1998; that the carrier filed a Payment of Compensation or Notice of Refused/Disputed Claim (TWCC-21) with the claimant and the Texas Workers' Compensation Commission on October 28, 1998; and that the claimant did not file his Employee's Notice of Injury or Occupational Disease and Claim for Compensation (TWCC-41) until February 25, 2003. The claimant explained that he filed the claim because he was concerned that another employer would not hire him unless he disputed the carrier's denial that he sustained a work-related injury. The hearing officer found that the claimant had not timely filed his claim (the TWCC-41) and did not have good cause for failing to do so. Impliedly, the hearing officer found that the claimant's injury, while in the course and scope of employment, was not compensable because the claimant had not timely filed his claim.

We have reviewed the complained-of determinations and conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**THE CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge