

APPEAL NO. 130309
FILED MARCH 27, 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 19, 2012, in [City], 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 the injury sustained on [date of injury], from November 11 through December 14, 2011, but not from December 15, 2011, through the date of the CCH. The appellant (carrier) appeals disputing the hearing officer's determinations that the claimant sustained a compensable injury and had disability. The appeal file does not contain a response from the claimant.

DECISION

Affirmed in part and reversed and rendered in part.

COMPENSABLE INJURY

The claimant contended at the CCH that he injured his right knee as a result of work activities on [date of 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 at the CCH was stated as follows: "Did the [c]laimant have disability resulting from an injury sustained on [date of injury], from November 9, 2011, through the [CCH]?" The hearing officer determined that the claimant had disability from November 11 through December 14, 2011, but not from December 15, 2011, through the date of the CCH. That portion of the hearing officer's decision is supported by sufficient evidence and is affirmed.

However, the hearing officer did not make a conclusion of law or decision about the time period in the disputed issue of November 9, 2011, and November 10, 2011. The disability issue was not modified at the CCH to exclude November 9, 2011, and November 10, 2011, from consideration. The hearing officer noted in the Background Information portion of his decision that the employer records indicate the claimant's last day of work for the employer was November 11, 2011. The hearing officer found in Finding of Fact No. 4 that from November 11 through December 14, 2011, but not otherwise through the date of the CCH, the work injury of [date of injury], was a cause of

claimant's inability to obtain or retain employment at wages equivalent to his pre-injury wage.

We reverse the hearing officer's decision as being incomplete and render a new decision that the claimant did not have disability from November 9 through November 10, 2011.

SUMMARY

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

We affirm that portion of the hearing officer's determination that the claimant had disability from the injury sustained on [date of injury], from November 11 through December 14, 2011, but did not have disability from December 15, 2011, through the date of the CCH.

We reverse the hearing officer's decision as being incomplete and render a new decision that the claimant did not have disability from November 9 through November 10, 2011.

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

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3232.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Carisa Space-Beam
Appeals Judge