

APPEAL NO. 170773
FILED JUNE 5, 2017

A contested case hearing (CCH) was held on February 16, 2017, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury of (date of injury), extends to a tear of the common extensor tendon of the right elbow and lateral epicondylitis of the right elbow; (2) the compensable injury of (date of injury), does not extend to a disc bulge at L3-4; (3) respondent 2 (claimant) has not reached maximum medical improvement (MMI); and (4) since the claimant has not reached MMI, an impairment rating (IR) cannot be assigned.

Although the appellant's (employer) workers' compensation insurance carrier, respondent 1 (carrier) and the claimant were parties at the CCH, neither the claimant nor the carrier have filed an appeal of the hearing officer's decision. The employer appealed the hearing officer's decision.

DECISION

The hearing officer's decision has become final pursuant to Section 410.169 because the employer was not a party to the CCH and because no appeal was timely filed with the Texas Department of Insurance, Division of Workers' Compensation by either the claimant or the carrier.

Section 409.011(b)(4) provides that an employer has the right to contest the compensability of an injury if the insurance carrier accepts liability for the payment of benefits. As noted above, the issues in this case were extent of the compensable injury, MMI, and IR. The employer does not have standing to appeal the issues in this case because the employer did not become a party to the CCH. See Appeals Panel Decision (APD) 93133, decided May 6, 1993, and cases cited therein; APD 960490, decided April 24, 1996.

Pursuant to Section 410.169, a decision of a hearing officer regarding benefits is final in the absence of a timely appeal. The hearing officer's decision and order have become final under Section 410.169.

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

**MR. RICHARD GERGASKO, PRESIDENT
6210 EAST HIGHWAY 290
AUSTIN, TEXAS 78723.**

Carisa Space-Beam
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Margaret L. Turner
Appeals Judge