

APPEAL NO. 180504  
FILED APRIL 30, 2018

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 January 25, 2018, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the appellant (claimant) sustained a compensable injury on (date of injury); (2) respondent 2 (carrier) did not waive the right to contest compensability of the claimed injury by not timely contesting the injury in accordance with Section 409.021; and (3) the claimant had disability resulting from the compensable injury of (date of injury), beginning on July 20, 2017, and continuing through July 22, 2017, but at no other time through the date of the CCH. The claimant appealed, disputing that portion of the ALJ's disability determination that was adverse to him. The claimant alleges the parties stipulated at the CCH that the claimant sustained a compensable injury on (date of injury), and that the parties agreed to withdraw the issue of carrier waiver under Section 409.021. The carrier responded, urging affirmance of the disputed portion of the disability determination. The appeal file does not contain a response from respondent 1 (subclaimant) to the claimant's appeal.

That portion of the ALJ's determination that the claimant had disability resulting from the compensable injury of (date of injury), beginning on July 20, 2017, and continuing through July 22, 2017, was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed in part and reversed by striking in part.

The parties stipulated, in part, that the claimant sustained a compensable injury on (date of injury). The stipulations contained in Finding of Fact No. 1 do not reflect this stipulation. We affirm the ALJ's determination that the claimant sustained a compensable injury on (date of injury), based upon the parties' stipulation of the same at the CCH.

The parties also agreed at the CCH to withdraw the issue of carrier waiver under Section 409.021. However, the decision contains findings of fact, conclusions of law, and an analysis by the ALJ explaining his determination that the carrier has not waived the right to contest compensability of the claimed injury by not timely contesting the injury in accordance with Section 409.021. The ALJ has exceeded the scope of the issues before him to determine at the CCH. We therefore reverse the ALJ's decision by striking the determination that the carrier has not waived the right to contest

compensability of the claimed injury by not timely contesting the injury in accordance with Section 409.021.

That portion of the ALJ's determination that the claimant did not have disability resulting from the compensable injury of (date of injury), beginning on July 23, 2017, and continuing through the date of the CCH is supported by sufficient evidence and is affirmed.

### **SUMMARY**

We affirm the ALJ's determination that the claimant sustained a compensable injury on (date of injury), based upon the parties' stipulation of the same at the CCH.

We reverse the ALJ's decision by striking the determination that the carrier has not waived the right to contest compensability of the claimed injury by not timely contesting the injury in accordance with Section 409.021.

We affirm that portion of the ALJ's determination that the claimant did not have disability resulting from the compensable injury of (date of injury), beginning on July 23, 2017, and continuing through the date of the CCH.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** 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 78701-3218.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Margaret L. Turner  
Appeals Judge