

APPEAL NO. 211352
FILED OCTOBER 14, 2021

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 July 6, 2021, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues, pursuant to an agreement reached by the parties, by determining that: (1) the appellant (claimant) sustained a compensable injury on (date of injury); (2) the respondent (carrier) is not relieved from liability under Section 409.002 because the claimant timely notified his employer pursuant to Section 409.001; (3) the claimant had disability from September 16, 2020, through November 19, 2020, resulting from the (date of injury), compensable injury, but the claimant did not have disability from November 20, 2020, through the date of the CCH resulting from the (date of injury), compensable injury.

The claimant appealed that portion of the ALJ's disability determination that he did not have disability from November 20, 2020, through the date of the CCH resulting from the (date of injury), compensable injury, contending the parties did not make an agreement concerning that period of disability. The appeal file does not contain a response from the carrier to the claimant's appeal. The ALJ's determinations that the claimant sustained a compensable injury on (date of injury); the carrier is not relieved from liability under Section 409.002 because the claimant timely notified his employer pursuant to Section 409.001; and the claimant had disability from September 16, 2020, through November 19, 2020, resulting from the (date of injury), compensable injury were not appealed and have become final pursuant to Section 410.169.

DECISION

Affirmed as reformed.

Section 410.166 and 28 Tex. Admin. Code § 147.4(c) (Rule 147.4(c)) provide, in part, that an oral agreement of the parties that is preserved in the record is final and binding on the date made. As noted by the ALJ in her decision, Issue Number 3 was revised upon the agreement of the parties to determine whether the claimant had disability resulting from the (date of injury), compensable injury from September 16, 2020, through November 19, 2020. The record reflects that the parties agreed orally at the CCH that "the claimant did have disability resulting from the claimed injury from September 16, 2020, through November 19, 2020." Although the decision and order correctly states that the claimant had disability from September 16, 2020, through November 19, 2020, the decision and order also states that the claimant did not have disability from November 20, 2020, through the date of the CCH. The record reflects there is no agreement by the parties regarding a disability period of November 20, 2020,

through the date of the CCH. Therefore, we reform the ALJ's decision by striking all references to a disability period of November 20, 2020, through the date of the CCH.

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
2200 ALDRICH STREET
AUSTIN, TEXAS 78723.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Margaret L. Turner
Appeals Judge