

APPEAL NO. 011730
FILED SEPTEMBER 6, 2001

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 June 25, 2001. The hearing officer determined that appellant/cross-respondent (claimant) sustained a compensable soft tissue sprain/strain injury on _____, and that he had disability from August 15, 2000, through January 28, 2001. Claimant appealed these determinations, contending that he sustained more than a sprain/strain and that he had disability through the date of the hearing. Respondent/cross-appellant (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order. Carrier filed a cross-appeal contending that the determinations regarding injury and disability are not supported by sufficient evidence. The file does not contain a response from claimant.

DECISION

We affirm.

We have reviewed the appeal and cross-appeal and the complained-of determinations regarding injury and disability and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We 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). In his appeal, claimant also complained that the hearing officer denied a request for a subpoena. However, the record reflects that claimant did not raise this at the hearing and never mentioned the word "subpoena." Claimant contends that a conversation occurred during which the hearing officer commented on whether he needed to hear testimony from other witnesses. This is not reflected in the record, however. Claimant has waived any possible error in this regard.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **LEWISVILLE INDEPENDENT SCHOOL DISTRICT** and the name and address of its registered agent for service of process is

**JERRY ROY-SUPERINTENDENT
1800 TIMBERCREEK RD.
FLOWER MOUND, TEXAS 75028.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge