

APPEAL NO. 012449
FILED NOVEMBER 7, 2001

This appeal after remand 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 1, 2001, with the record closing on June 23, 2001. With respect to the disputed issues before her, the hearing officer determined that the Texas Workers' Compensation Commission (Commission) has jurisdiction to determine the identity of the employer of the respondent (claimant) employer for workers' compensation purposes; that claimant was the employee of (TF) on the date of injury; that claimant was not the borrowed servant of the appellant self-insured, (LP) on the date of injury; and that LP has not waived its right to assert that claimant was its borrowed servant on the date of injury.¹ LP appealed, contending that the determination that claimant was the employee of TF on the date of injury is against the great weight and preponderance of the evidence. Claimant responded, urging affirmance.

The Appeals Panel remanded the case for the sole purpose of compliance with HB2600, amending Section 410.164, effective June 17, 2001, so the registered agent statement could be obtained from LP. Texas Workers' Compensation Commission Appeal No. 011658, decided September 4, 2001. LP filed the registered agent information and the hearing officer issued what is essentially the same decision on remand. LP again appealed the same determinations it appealed previously. Claimant again responded, urging that the Appeals Panel affirm the hearing officer's decision.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer could find from the evidence that TF retained the right to control the details of claimant's work, that TF was claimant's employer for workers' compensation purposes, and that claimant was not the borrowed servant of LP. 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).

¹The caption of the hearing officer's decision and order listed an insurance company rather than LP as carrier. This was a typographical error and LP was the party at the hearing and the appellant in this case.

We affirm the hearing officer's decision and order.

According to the information provided by LP, the true corporate name of LP is **LOUISIANA-PACIFIC CORPORATION**, and the name and address of its registered agent for service of process is

**US CORPORATION COMPANY
800 BRAZOS, COMMODORE 1, SUITE 750
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge