

APPEAL NO. 012523
FILED NOVEMBER 15, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). This case is back before us after our remand in Texas Worker's Compensation Appeal No. 011775, decided September 5, 2001. Initially, a contested case hearing was held on June 19, 2001. At that hearing, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease and that because there was no compensable injury, there was no disability. We remanded the case back to the hearing officer for compliance with House Bill 2600 (amending § 401.164, effective on June 17, 2001), which requires the introduction into the record of the carrier's true corporate name and the name and address of the registered agent for service of process. The hearing officer on remand determined that no further hearing was necessary and her other determinations were unchanged after the remand. The claimant appeals the hearing officer's determination that he did not sustain a compensable injury in the form of an occupational disease and therefore had no disability from a compensable injury. The claimant also contends that the hearing officer erred by excluding documents from evidence. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant asserts that various medical conditions having to do with his feet were caused by walking and standing on the concrete floor of the employer's plant where he worked. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. We cannot conclude that the hearing officer erred as a matter of law in determining adversely to the claimant on his claim. See Texas Workers' Compensation Commission Appeal No. 92713, decided February 8, 1993, and Texas Workers' Compensation Commission Appeal No. 941018, decided September 12, 1994 (regarding claims of repetitive trauma injuries from walking and standing at work and determinations of ordinary diseases of life); see *also* Texas Workers' Compensation Commission Appeal No. 980631, decided May 14, 1998 (Judge Kilgore dissenting), and Texas Workers' Compensation Commission Appeal No. 001590, decided August 24, 2000 (regarding idiopathic injuries occurring during walking). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The claimant has not shown that the hearing officer committed reversible error in excluding portions of the Claimant's Exhibit No. 4 from evidence based on her finding of an untimely exchange of those documents in accordance with § 410.161 of the Act. The claimant has not shown that the hearing officer's ruling was in error or that error, if any, was reasonably calculated to cause and probably did cause an improper decision. See

Hernandez v. Hernandez, 611 S.W.2d 732 (Tex. Civ. App.- San Antonio 1981, no writ).

The hearing officer's decision and order are affirmed.

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

**GEORGE MICHAEL JAMES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

CONCUR IN RESULT ONLY:

Gary L. Kilgore
Appeals Judge