

APPEAL NO. 012983
FILED JANUARY 28, 2002

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 October 31, 2001. The hearing officer determined that the respondent's (claimant) average weekly wage (AWW) from April 28, 2000, through October 31, 2000, was \$496.04, and from November 1, 2000, to the present is \$514.64 using a fair, just and reasonable method of calculation pursuant to Section 408.041(c). The appellant (carrier) appealed, asserting that the hearing officer used an improper method of calculation in determining claimant's AWW. Claimant responded, urging affirmance, and asserting that carrier's appeal was untimely. Carrier responded that its appeal was timely under the amendment to Section 410.202.

DECISION

We affirm.

We have reviewed the complained-of AWW determination and conclude that the hearing officer did not err. We conclude that the hearing officer's determination is 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). We further conclude that the hearing officer did not err in applying the law to the facts of this case.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Judy L. S. Barnes
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Edward Vilano
Appeals Judge