

APPEAL NO. 013158  
FILED FEBRUARY 6, 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 16, 2001. The appellant (carrier) appeals the hearing officer's determinations that the respondent (claimant) sustained a compensable back injury on \_\_\_\_\_, and that the claimant had disability from the compensable injury beginning on February 19, 2001, and continuing through March 12, 2001. There is no response from the claimant contained in our file.

DECISION

Affirmed.

The claimant testified that he injured his back while pulling a cable on \_\_\_\_\_; that he continued working until February 19, 2001, when he was taken off work by his treating doctor; that he remained off work until March 12, 2001, when he was released to return to light-duty work by his treating doctor; and that he returned to his previous job upon his medical release. The carrier offered evidence that the claimant had previous injuries and that the claimant had filed this claim out of spite due to disagreements with the employer.

There was sufficient evidence to support the hearing officer's determinations. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the factual findings of the hearing officer.

The carrier also appealed the disability determination, asserting that the claimant did not have disability because he did not sustain a compensable injury. However, because we have affirmed the determination that the claimant sustained a compensable injury, we affirm the disability determination as well.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**STEVEN BISBEE  
8144 WALNUT HILL LANE, STE. 1600  
DALLAS, TEXAS 75231.**

---

Michael B. McShane  
Appeals Judge

CONCUR:

---

Terri Kay Oliver  
Appeals Judge

---

Robert W. Potts  
Appeals Judge