

APPEAL NO. 020274  
FILED MARCH 27, 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 (CCH) was held on January 7, 2002, with the record closing on January 10, 2002. She found that the claimant had not injured himself in the course and scope of employment and therefore did not have disability. The claimant has appealed, and attaches a statement that contains information not raised at the CCH. There is no response from the carrier.

DECISION

We affirm the hearing officer's decision.

To the extent that the attachment to the appeal contains substantive evidence not offered under oath at the CCH, it cannot be considered. In other respects, the appeal assails the truthfulness of witnesses against the claimant. We have reviewed the record and find sufficient evidence for the inferences and conclusions drawn by the hearing officer.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ). The record in this case presented conflicting evidence for the hearing officer to resolve. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We therefore affirm the decision and order.

The true corporate name of the insurance carrier is **UNIVERSAL UNDERWRITERS OF TEXAS** and the name and address of its registered agent for service of process is

**GARY SUDOL  
ZURICH NORTH AMERICA  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

---

Susan M. Kelley  
Appeals Judge

CONCUR:

---

Chris Cowan  
Appeals Judge

---

Thomas A. Knapp  
Appeals Judge