

APPEAL NO. 020525
FILED APRIL 17, 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 February 11, 2002. The appellant (carrier) appeals the hearing officer's determinations that the respondent (claimant) sustained a compensable injury on _____, and that he has disability from the compensable injury beginning on _____, and continuing through the date of the CCH. There is no response from the claimant contained in our file.

DECISION

Affirmed.

The claimant testified that he injured his knee while carrying a beam on _____; that he continued working and worked the next day; that he was taken off work by his treating doctor; that he had surgery to his knee in December 2001; and that he has remained off work through the date of the CCH. The carrier offered evidence that the claimant had previous injuries and that the claimant was enrolled in college during the period he is claiming disability.

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 **TRINITY UNIVERSAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DONALD GENE SOUTHWELL
10000 N. CENTRAL EXPRESSWAY
DALLAS, TEXAS 75265.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge