

APPEAL NO. 021072
FILED JUNE 12, 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 April 5, 2002. The hearing officer determined that the respondent (claimant) had disability, resulting from the _____, compensable injury, from _____ through September 9, 2001, and from December 4, 2001, through the date of the hearing. The appellant (carrier) contends that this determination is against the great weight and preponderance of the evidence. The claimant urges that because the carrier indicates that it is appealing a docket number that was ultimately resolved by agreement of the parties, the decision and order corresponding to the docket number in this appeal have become final. Alternatively, the claimant urges affirmance.

DECISION

Affirmed.

As noted by the claimant, the carrier's appeal does not identify the correct docket number. Initially, there were four dockets set for hearing. Three of the four cases were disposed of by agreements between the parties. Docket No. 1 was ultimately disputed and was the only case requiring resolution by the hearing officer. Because it is obvious that the carrier intended to appeal this docket number, the fact that the carrier's appeal identifies a different number will not render it defective.

Whether the claimant had disability is a factual determination for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the matters complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

We affirm the decision and order of the hearing officer.

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

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge