

APPEAL NO. 021084  
FILED JUNE 18, 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 April 10, 2002. The hearing officer resolved the disputed issue by deciding that (Company 1) was not the appellant's (claimant) employer for purposes of the 1989 Act. The claimant appealed and the respondent (carrier) responded.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

We believe that the hearing officer made a typographical error in Finding of Fact No. 12, which begins by referring to "(Company 2)," which is not an entity named in the CCH record. We believe that the hearing officer meant to begin Finding of Fact No. 12 by referring to Company 1, which is the entity that was the general contractor for the construction project that the claimant was working on when he was injured. Accordingly, we reform Finding of Fact No. 12 to substitute Company 1 for Company 2.

The issue of whether Company 1 was the claimant's employer for purposes of the 1989 Act presented a fact question for the hearing officer to determine from the evidence presented. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). It is clear from the hearing officer's decision that he was not persuaded that the claimant had proved that Section 406.124 should apply to make Company 1 his employer. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

As reformed herein, the hearing officer's decision and order are affirmed.

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.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Roy L. Warren  
Appeals Judge