

APPEAL NO. 021599  
FILED ON JULY 31, 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 May 30, 2002. The hearing officer determined that venue was proper in the Weslaco local office of the Texas Workers' Compensation Commission; that the respondent (claimant) sustained a compensable injury to her right shoulder, left hand, left thumb, and lumbar spine on July 22, 2001; and that the claimant had disability beginning on October 16, 2001, and continuing through the date of the CCH. The appellant (carrier) appealed and the claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that venue was proper in the Weslaco local office on two grounds. At the time of the injury, the claimant resided in \_\_\_\_\_(county 1), Texas. Shortly thereafter, the claimant was terminated and she moved back to \_\_\_\_\_, Texas (city). The claimant asserted that she had no family in county 1, she just had a job there. A benefit review conference (BRC) was held at the Weslaco local office on April 11, 2002. The carrier attended the BRC and there is no evidence to establish that it disputed proper venue either before or at the BRC. At the commencement of the hearing, the hearing officer heard argument from both parties regarding venue. The hearing officer determined that good cause existed for holding the hearing at the Weslaco local office pursuant to Section 410.005(a). The carrier has failed to establish that it was prejudiced in its ability to present its case by having the hearing at the Weslaco local office. Whether or not good cause existed was a factual determination for the hearing officer to resolve and upon review of the record in this case, we find that the hearing officer did not abuse her discretion in finding good cause for holding the hearing at the Weslaco local office. Because we find that the hearing officer did not err in finding that good cause existed to hold the hearing at the Weslaco local office, we decline to address her second basis for determining venue was proper at that location.

The hearing officer did not err in determining that the claimant sustained a compensable injury and had disability. The issues of injury and disability presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and

preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY  
800 BRAZOS STREET  
AUSTIN, TEXAS 78701.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Michael B. McShane  
Appeals Judge