

APPEAL NO. 021793
FILED AUGUST 26, 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 remand to reconstruct the CCH record on June 11, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury with a date of injury of _____. The claimant appeals that determination and the respondent (carrier) responds to the appeal, urging affirmance.

DECISION

Affirmed.

This case was remanded in Texas Workers' Compensation Commission Appeal No. 020796, decided May 15, 2002, to the hearing officer for reconstruction of the record because the audiotape from the CCH held on March 12, 2002, was blank. The parties did not reconstruct the record, but they had a rehearing; the claimant testified and the parties reintroduced the exhibits adduced at the first CCH. The claimant contends that the hearing officer erred because on rehearing the hearing officer changed her previous decision that was favorable to the claimant and rendered a new decision favorable to the carrier.

The hearing officer did not err in considering the evidence of record adduced at the new hearing and in reaching her determination based on that evidence. The hearing officer's determinations are sufficiently supported by the record and are not 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).

We affirm the hearing officer's decision and order.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, COMMODORE 1, SUITE 750
AUSTIN, TEXAS 78701.**

Roy L. Warren
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Robert W. Potts
Appeals Judge