

APPEAL NO. 022149
FILED OCTOBER 15, 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 July 19, 2002. The hearing officer determined that the appellant/cross-respondent (claimant herein) did not sustain a compensable injury on _____; that he did not have disability; and that he gave timely notice of his claimed injury to the employer. The claimant appeals the compensability and disability determinations on sufficiency grounds. The respondent/cross-appellant self-insured (carrier herein) appeals the timely notice determination. The appeal file does not contain a response from either the claimant or the carrier to the opposing party's appeal.

DECISION

We affirm as reformed.

We note at the outset that although the docket number and Finding of Fact No. 1B reflect that the hearing was conducted in (city 1), Texas, Conclusion of Law No. 2 indicates that venue was proper in (city 2). In order to correct this clerical error, Conclusion of Law No. 2 is reformed to reflect that venue was proper in (city 1), Texas.

Whether the claimant sustained a compensable injury, gave timely notice of a claimed injury, or had disability were fact questions for the hearing officer to resolve. Section 410.165(a) provides that the contested case 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. An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). 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 overwhelming weight 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 upon which to reverse the decision of the hearing officer.

As reformed, we affirm the hearing officer's decision and order.

The true corporate name of the self-insured is **(a self insured entity)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
811 DALLAS AVENUE
HOUSTON, TEXAS 77002.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge