

APPEAL NO. 023091
FILED JANUARY 29, 2003

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 November 4, 2002. The hearing officer determined that the fatal injury of decedent on _____, did not occur while decedent was in a state of intoxication from the voluntary introduction of a controlled substance or dangerous drug. Appellant (carrier) appealed this determination on sufficiency grounds. Respondents (claimants/beneficiaries) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer discussed the general underlying facts and credibility issues to be considered in this case and we will not repeat it again here. The hearing officer reviewed the record and decided what facts were established. The hearing officer heard and reviewed the testimony regarding the decedent's alleged drug use on the date of injury and made credibility determinations in this regard. We conclude that the hearing officer's determination regarding the decedent's intoxication is supported by the record and is 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.

According to information provided by carrier, the true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge