

APPEAL NO. 030023
FILED FEBRUARY 24, 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 December 16, 2002. With respect to the disputed issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of exposure to hydrogen sulfide on _____, and that he had resulting disability beginning April 30 and continuing through June 27, 2002. The appellant (carrier) appeals the determinations on sufficiency of the evidence grounds. There is no response from the claimant in the appeal file.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable, chemical exposure injury on _____, and that he had disability as a result of that injury from April 30 through June 27, 2002. Under the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The claimant's testimony and the medical records support the hearing officer's compensability determination, and the record supports the hearing officer's finding that the claimant was unable, due to his compensable injury, to obtain and retain employment at his preinjury wage from April 30 through June 27, 2002. Section 401.011(16). The hearing officer was acting within her province as the fact finder in resolving the conflicting evidence in favor of the claimant and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is affirmed.

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

**BOBBY E. HAMMOND JR.
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge