

APPEAL NO. 030376
FILED APRIL 1, 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 January 15, 2003. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to and include hallux rigidus and hallux valgus of the left foot; that the claimant did not have disability as a result of his compensable left foot injury from October 30, 2001, through the date of the hearing; and that the employer did not tender a bona fide offer of employment (BFOE) to the claimant. In his appeal, the claimant asserts error in the hearing officer's injury and disability determinations. In its response to the claimant's appeal, the respondent (carrier) urges affirmance. The carrier did not appeal the determination that the employer did not tender a BFOE and that determination has, therefore, become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, does not extend to or include hallux rigidus and hallux valgus of the left foot. That issue presented a question of fact for the hearing officer to resolve. From the hearing officer's discussion, it is apparent that she was not persuaded that the claimant sustained his burden of proving the causal connection between hallux rigidus and hallux valgus and the claimant's compensable injury of _____. The hearing officer was acting within her province as the fact finder in so finding. Our review of the record does not reveal that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer was likewise not persuaded that the claimant's compensable left foot injury caused disability. She was acting within her province as the fact finder in so finding. Nothing in our review of the record reveals that the disability determination is so against the great weight of the evidence as to compel its reversal on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge