

APPEAL NO. 030449
FILED APRIL 9, 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 (CCH) was held on January 22, 2003. The hearing officer determined that from _____ through June 15, 2002, and again from September 20, 2002, and continuing through the date of the CCH, the respondent (claimant) has had disability. The appellant (carrier) appeals, contending that the hearing officer erred in his determination that the claimant had disability. There is no response to the appeal from the claimant contained in our file. The hearing officer's determination that the claimant is not entitled to change treating doctors has not been appealed.

DECISION

Affirmed.

Whether the claimant sustained disability as a result of her _____, compensable injury involved a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the matters complained of on appeal and conclude that the hearing officer's decision regarding the claimant's disability is supported by sufficient evidence.

Accordingly, we affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Roy L. Warren
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge