

APPEAL NO. 030459  
FILED APRIL 15, 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 23, 2003. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) is not entitled to lifetime income benefits (LIBs). The claimant appealed the hearing officer's determination on sufficiency of the evidence grounds. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury. The disputed issue is whether the claimant is entitled to LIBs based on the loss of use of both feet. See Sections 408.161(a)(2) and (b). Conflicting evidence, including conflicting medical opinions and witness statements, was presented at the CCH. The hearing officer found that there is no causal connection between the claimant's alleged lower extremity paralysis and the claimant's compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The claimant complains about the hearing officer's consideration of certain witness statements that were admitted into evidence. Since there was no objection to the admission of the carrier's exhibits at the CCH, the claimant has not preserved for review on appeal any complaint about the admission of those exhibits at the CCH. The weight to be given to the statements was for the hearing officer to determine as the finder of fact. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

**JOSEPH A. YURKOVICH  
1431 GREENWAY DRIVE, SUITE 450  
IRVING, TEXAS 75038.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge