

APPEAL NO. 030634
FILED MAY 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 (CCH) was held on February 3, 2003. With respect to the disputed issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of "at least an anterior impingement" right shoulder injury on _____. In addition, the hearing officer determined that the claimant had no period of resulting disability. The appellant (carrier) appeals the compensable injury determination on sufficiency of the evidence grounds, arguing that the record supports that the claimant filed a retaliatory claim because of her disagreement with the employer's personnel changes, and that the claimant suffered no new physical damage to her person. There is no response from the claimant in the appeal file. Because neither party appealed the disability determination, that determination has become final pursuant to Section 410.169.

DECISION

Affirmed.

We have reviewed the complained-of determination. Whether the claimant has sustained a compensable injury is an issue for the hearing officer, as fact finder, to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was acting within his province as the fact finder in resolving the compensable injury issue 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 Company, 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 **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLY-GRAY, PRESIDENT
6907 CAPITOL OF TEXAS HIGHWAY NORTH
AUSTIN, TEXAS 78755.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge