

APPEAL NO. 030665
FILED APRIL 28, 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 February 6, 2003. The hearing officer determined that the Independent Review Organization's (IRO) decision, finding that the appellant's (claimant) proposed surgery is not warranted, is supported by a preponderance of the evidence. The claimant appeals this decision. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determination. Whether the IRO decision was supported by a preponderance of the evidence was a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). Nothing in our review of the record indicates that the hearing officer's decision requires reversal. 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 **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

Chris Cowan
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Edward Vilano
Appeals Judge