

APPEAL NO. 030744
FILED MAY 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 was held on February 20, 2003. The hearing officer determined that appellant (claimant) did not sustain a compensable injury on _____, and that he did not have disability. Claimant appealed these determinations on sufficiency grounds. Claimant also complains of the admission of two exhibits. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant complains that the hearing officer erred in admitting an unsigned, transcribed witness statement. We conclude that the hearing officer did not err in admitting this exhibit because the statement is signed by the transcriber and there is a statement by the transcriber that it is a true and correct transcription. See Texas Workers' Compensation Commission Appeal No. 94621, decided June 24, 1994. Claimant also contends the hearing officer abused her discretion in admitting a videotape taken on July 9, 2002, asserting that it was not authenticated or verified. At the hearing, claimant objected that it was not authenticated and that it may not be properly calibrated. The videotape depicts claimant moving his head from side to side and walking for several minutes, and then carrying three plastic grocery bags while walking for several minutes after going to a store. There was no assertion that claimant was unable to walk and his range of motion was noted to be within normal limits. Claimant said he did walk to the store on occasion. Even assuming that there was error in the admission of the videotape, we perceive no reversible error, as the admission of this evidence did not cause, nor was it likely to cause the rendition of an improper decision.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not 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).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

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

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge