

APPEAL NO. 030757
FILED MAY 19, 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 18, 2003. The hearing officer determined that appellant (claimant) did not sustain a compensable repetitive trauma injury. Claimant appealed these determinations on sufficiency grounds. Claimant also complains that certain evidence was not emphasized at the hearing. The file does not contain a response from respondent (carrier).

DECISION

We affirm.

Claimant contends that certain evidence and arguments were not emphasized at the hearing. Apparently, claimant was not satisfied with the ombudsman's assistance in this regard. As we have noted in the past, an ombudsman is available to assist a claimant in the presentation of claimant's case. However, a claimant is still responsible for the presentation of his or her case and for insuring that the evidence considered appropriate and persuasive is presented to the hearing officer. See Texas Workers' Compensation Commission Appeal No. 931006, decided December 17, 1993. Further, we note that the hearing officer did not find that claimant's work was sufficiently repetitive to cause an injury. Therefore, which particular diagnosis was related to the repetitive trauma at the hearing is not particularly relevant. We perceive no reversible error.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is 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 **ROYAL INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
COMMODORE 1
800 BRAZOS
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge