

APPEAL NO. 030933
FILED MAY 22, 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 March 19, 2003. The hearing officer determined that the appellant/cross-respondent (claimant) did not sustain a compensable repetitive trauma injury with an injury date of _____, and did not have disability. The claimant appeals this decision. The respondent/cross-appellant (carrier) appeals the finding that due to the claimed injury, the claimant was unable to obtain and retain employment at wages equivalent to her preinjury wage from April 18, 2002, through the date of the hearing. The carrier responds to the claimant's appeal, urging affirmance of the compensability determination.

DECISION

Affirmed.

The complained-of determinations involved factual questions for the hearing officer to resolve. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. Nothing in our review of the record indicates that the hearing officer's decision is 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).

With regard to the carrier's appeal of the aforementioned finding relating to disability, we note that the hearing officer simply noted the dates that the claimant would have had disability had the claimed injury been determined to be compensable. As the injury was not determined to be compensable, the hearing officer found that the claimant did not have disability and the carrier, therefore is not aggrieved by the finding of fact.

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

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge