

APPEAL NO. 031114  
FILED JULY 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 28, 2003. The record was closed on April 22, 2003. The hearing officer determined that respondent 1 (claimant) did not sustain a compensable injury on \_\_\_\_\_, and that for purposes of the 1989 Act, the claimant was not an employee of (GP), respondent 2's (carrier) insured on the date of the claimed injury. The appellant (subclaimant) appeals the hearing officer's decision. The appeal file contains no response from the claimant or the carrier.

DECISION

Affirmed.

The disputed issues in this case involved factual determinations 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 to the evidence. The subclaimant contends that the hearing officer erred in determining that the claimant was a subcontractor of GP and, therefore, not an employee of GP on \_\_\_\_\_, because the carrier did not make such argument at the hearing. However, we note that the carrier did indeed make this argument at the hearing and the hearing officer's determination on this issue is supported by Carrier's Exhibit No. 3. Nothing in our review of the record reveals 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 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Veronica Lopez-Ruberto  
Appeals Judge