

APPEAL NO. 040969  
FILED JUNE 14, 2004

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 April 7, 2004. The hearing officer determined that the average weekly wage (AWW) of respondent (claimant) cannot be calculated because there was no wage statement of a same or similar employee. Appellant (carrier) appealed this determination, contending that claimant's AWW should be \$350.00. The file does not contain a response from claimant.

DECISION

We affirm.

We have reviewed the complained-of determination regarding AWW and conclude that the hearing officer did not err in applying the law to the facts of this case. 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 **ACE AMERICAN 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.**

---

Judy L. S. Barnes  
Appeals Judge

CONCUR:

---

Robert W. Potts  
Appeals Judge

---

Edward Vilano  
Appeals Judge