

APPEAL NO. 041229
FILED JULY 6, 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 May 7, 2004. With respect to the issues before him, the hearing officer determined that the respondent's (claimant) compensable injury of _____, includes a lumbar strain and that she had disability, as a result of her compensable injury, from October 3 through December 16, 2003. In its appeal, the appellant (carrier) argues that the hearing officer's extent-of-injury and disability determinations are against the great weight of the evidence. In her response to the carrier's appeal, the claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, includes a lumbar strain and that she had disability from October 3 through December 16, 2003. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence on the disputed issues and the hearing officer was acting within his province as the fact finder in giving more weight to the evidence tending to demonstrate that the claimant's compensable injury included a lumbar strain and that she had disability for the period found. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

To the extent that the carrier is arguing that the claimant is not entitled to workers' compensation benefits because of her immigration status, we have previously rejected the argument that an employee is barred from receiving workers' compensation benefits for that reason alone where the employee's entry into the United States was contrary to the immigration laws. Texas Workers' Compensation Commission Appeal No. 022258-s, decided September 12, 2002. See also Texas Workers' Compensation Commission Appeal No. 030027-s, decided February 19, 2003 (fact that a claimant cannot obtain employment due to his immigration status does not preclude a finding of disability as long as the hearing officer finds that the compensable injury is a cause of the claimant's inability to obtain and retain employment at his preinjury wage).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ST. PAUL FIRE AND MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
701 BRAZOS, SUITE 1050
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Edward Vilano
Appeals Judge