

APPEAL NO. 041553  
FILED AUGUST 20, 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 29, 2004. With regard to the only issue before him the hearing officer determined that the appellant (claimant) did not have disability.

The claimant appeals, contending that he was unable to perform his preinjury duties and that his (current) treating doctor has taken him off work. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury to his lower back on \_\_\_\_\_. The claimant's initial treating doctor in Work Status Reports (TWCC-73) dated April 24 and May 5, 2003, released the claimant to return to work without restrictions. Although other subsequent reports take the claimant off work the hearing officer could, and did, choose to believe the evidence from the claimant's initial treating doctor and the designated doctor.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are 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.

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

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

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge