

APPEAL NO. 032530
FILED NOVEMBER 17, 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 August 28, 2003. The hearing officer determined that the respondent (claimant) was an employee of (employer) for purposes of workers' compensation at the time of the claimed injury on _____; that the claimant sustained a compensable injury on _____; and that the claimant had disability from August 31 through October 16, 2002. The appellant (carrier) appeals, asserting that the determination that the claimant was an employee of the employer is against the great weight and preponderance of the evidence, and arguing that since he was not an employee, he could not have a compensable injury and disability. There is no response in the file from the claimant.

DECISION

Affirmed.

Whether a claimant is an independent contractor or an employee is generally a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 991200, decided July 22, 1999. The hearing officer considered this evidence and determined that the employer had the right to control, and was controlling, the details of the claimant's work when he was injured. We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). We conclude that the decision of the hearing officer has sufficient evidentiary support in the record and we decline to reverse it on appeal.

We have reviewed the complained-of determinations of injury and disability and conclude that these 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 supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, *supra*.

We affirm the decision and order of the hearing officer.

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

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge