

APPEAL NO. 190148  
FILED MARCH 19, 2019

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 19, 2018, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) respondent 1/cross-appellant (Employer P) was respondent 3's (claimant) employer for the purposes of the Texas Workers' Compensation Act at the time of the claimed injury; and (2) the claimant sustained a compensable injury on (date of injury).

Appellant/cross-respondent (carrier 1) appealed the ALJ's determinations. Both the claimant and respondent 2 (carrier 2) responded, urging affirmance. Employer P appealed the ALJ's decision. Also, the claimant and carrier 2 responded to Employer P's appeal stating that Employer P did not have standing to appeal the ALJ's determinations.

#### DECISION

Affirmed.

The parties stipulated that: on (date of injury), (Employer C) provided workers' compensation coverage with carrier 2; on (date of injury), Employer P provided workers' compensation coverage with carrier 1; and the claimant sustained damage or harm to the physical structure of his body in the course and scope of his employment on (date of injury).

#### EMPLOYER STANDING

Review of the record reflects that the Employer P was not present at the CCH on December 19, 2018. Section 409.011(b)(4) provides that an employer has the right to contest the compensability of an injury if the insurance carrier accepts liability for the payment of benefits. Although the parties stipulated that the claimant sustained damage or harm to the physical structure of his body in the course and scope of his employment on (date of injury), neither carrier 1 nor carrier 2 stipulated that it accepted liability for the payment of benefits for the injury. Employer P does not have standing to appeal the issues in this case and its appeal was not considered. See Appeals Panel Decision (APD) 170773, decided June 5, 2017; APD 93133, decided May 6, 1993, and cases cited therein; APD 960490, decided April 24, 1996.

## COMPENSABLE INJURY AND EMPLOYER

The ALJ is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence. *Texas Employers Insurance Association v. Campos*, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appellate reviewing tribunal, the Appeals Panel will not disturb challenged factual findings of an ALJ absent legal error, unless they are 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); *In re King's Estate*, 150 Tex. 662, 244 S.W.2d 660 (1951).

The ALJ's determinations that Employer P was the claimant's employer for the purposes of the Texas Workers' Compensation Act at the time of the claimed injury and the claimant sustained a compensable injury on (date of injury), are supported by sufficient evidence and are affirmed.

According to information provided by carrier 1, the true corporate name of the insurance carrier is **ACCIDENT FUND INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-3136.**

According to information provided by carrier 2, the true corporate name of the insurance carrier is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLY-GRAY, PRESIDENT  
6907 CAPITOL OF TEXAS HIGHWAY NORTH  
AUSTIN, TEXAS 78755.**

---

Veronica L. Ruberto  
Appeals Judge

CONCUR:

---

Carisa Space-Beam  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge