

PINO V. MGA HEALTHCARE

This memorandum opinion was not selected for publication in the New Mexico Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

ORLANDO PINO,
Worker-Appellee,
v.
**MGA HEALTHCARE STAFFING
and ESIS,**
Employer/Insurer-Appellant.

NO. 31,051

COURT OF APPEALS OF NEW MEXICO

May 18, 2011

APPEAL FROM THE WORKERS' COMPENSATION ADMINISTRATION, Victor S.
Lopez, Workers' Compensation Judge

COUNSEL

Orlando Pino, Socorro, NM, Pro Se Appellee

Paul L. Civerolo, L.L.P., Paul L. Civerolo, Albuquerque, NM, for Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: CYNTHIA A. FRY, Judge, RODERICK T.
KENNEDY, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

Employer appeals a decision of the Workers' Compensation Judge (WCJ) granting Worker's objection to its notice to change healthcare provider. In our notice, we proposed to affirm on the basis that there was sufficient evidence to support the

decision of the WCJ. Employer has responded that it will not oppose our decision to affirm based on substantial evidence. However, it asserts that the decision of the WCJ was manifestly unjust. As we pointed out in our notice, it is for the fact finder, the WCJ here, to determine the credibility of the witnesses and to decide where the truth lies. We review simply for sufficiency of the evidence to support the decision.

For the reasons stated in the notice of proposed disposition, we affirm.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

CYNTHIA A. FRY, Judge

RODERICK T. KENNEDY, Judge