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6 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

7 **ORLANDO PINO,**

8 Worker-Appellee,

9 v.

**NO. 31,051**

10 **MGA HEALTHCARE STAFFING**  
11 **and ESIS,**

12 Employer/Insurer-Appellant.

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

15 Orlando Pino  
16 Socorro, NM

17 Pro Se Appellee

18 Paul L. Civerolo, L.L.P.  
19 Paul L. Civerolo  
20 Albuquerque, NM

21 for Appellant

22 **MEMORANDUM OPINION**

23 **VIGIL, Judge.**

1 Employer appeals a decision of the Workers' Compensation Judge (WCJ)  
2 granting Worker's objection to its notice to change healthcare provider. In our notice,  
3 we proposed to affirm on the basis that there was sufficient evidence to support the  
4 decision of the WCJ. Employer has responded that it will not oppose our decision to  
5 affirm based on substantial evidence. However, it asserts that the decision of the WCJ  
6 was manifestly unjust. As we pointed out in our notice, it is for the fact finder, the  
7 WCJ here, to determine the credibility of the witnesses and to decide where the truth  
8 lies. We review simply for sufficiency of the evidence to support the decision.

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

10 **IT IS SO ORDERED.**

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**MICHAEL E. VIGIL, Judge**

13 **WE CONCUR:**

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**CYNTHIA A. FRY, Judge**

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**RODERICK T. KENNEDY, Judge**