

APPEAL NO. 011725  
FILED SEPTEMBER 14, 2001

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 July 6, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; that the appellant (carrier) is not relieved of liability under Section 409.002 because the claimant timely notified his employer of an injury under Section 409.001; and that the claimant had disability from March 27, 1999, through April 30, 1999. The carrier appealed. No response was received from the claimant.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that on \_\_\_\_\_ he slipped and fell while stepping off a forklift at work, injuring his low back. The claimant's testimony was corroborated by the statements of two witnesses. The claimant testified that he reported his injury to his supervisor the day of the injury, and his testimony was corroborated by the statement of a witness, although the supervisor could not recall receiving such notice. The hearing officer found that on \_\_\_\_\_, the claimant was in the course and scope of his employment when he slipped and fell, injuring his low back, and that the claimant timely reported his injury to his supervisor. The hearing officer also found that due to the claimed injury, the claimant was unable to obtain and retain employment at wages equivalent to his preinjury wage from March 27, 1999, through April 30, 1999, which finding is supported by the claimant's testimony. Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE CORPORATION  
800 BRAZOS, SUITE 750  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge