

APPEAL NO. 011768  
FILED SEPTEMBER 12, 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 (CCH) was held on July 10, 2001. The appellant (claimant) appeals the hearing officer's decision that the respondent (self-insured) is relieved of liability under Section 409.002 for the occupational diseases of \_\_\_\_\_, and \_\_\_\_\_, because the claimant failed to timely notify the self-insured of her claimed injuries under Section 409.001. The self-insured responded, requesting affirmance.

DECISION

The hearing officer's decision is affirmed.

Conflicting evidence was presented at the CCH with regard to the appealed 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 claimant testified that she timely notified her employer of her injury, but the self-insured's witnesses testified to the contrary. 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 **THE SHERWIN WILLIAMS COMPANY** and the name and address of its registered agent for service of process is

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

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Robert W. Potts  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge