

APPEAL NO. 011916
FILED SEPTEMBER 25, 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 12, 2001, with the record closing on July 24, 2001. The appellant (carrier) appeals the hearing officer's determinations that the respondent (claimant) suffered an injury in the course and scope of his employment on _____, and that he had disability from January 1, 2001, continuing through the date of the CCH. The claimant did not respond to the appeal.

DECISION

Affirmed.

"Compensable injury" is defined in Section 401.011(10). The claimant testified that he injured his back at work on _____, when he pulled on an elevator door. Conflicting testimony was provided regarding whether the claimant was injured at work. 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 determined that the claimant sustained a compensable injury on _____. 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.

With respect to the disability determination, Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the pre-injury wage." The claimant testified that he has not been able to work because of his compensable injury. 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 on the disability issue 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 **PETROSURANCE CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**ROBERT CARLAN LEE
2301 E. LAMAR BLVD., SUITE 362
ARLINGTON, TEXAS 76006.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge