

APPEAL NO. 011968
FILED SEPTEMBER 19, 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 31, 2001. The hearing officer resolved the sole disputed issue before him by determining that the appellant (claimant) did not have disability from March 2, 2001, to the present as a result of the compensable injury sustained on _____. The claimant appealed, and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in finding that the claimant did not have disability for the period of time in question.

"Disability" means the "inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." Section 401.011(16). The determination as to an employee's disability is a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence presented on the issue of disability. The hearing officer determined that the claimant's credibility was questionable, and resolved the conflicts and inconsistencies in the evidence against him. In so doing, the hearing officer was acting within his role as fact finder in determining that the claimant did not sustain his burden of proof on the disputed issue. Nothing in our review of the record indicates that the challenged determination is so against the great weight and preponderance of the evidence so as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**C.T. CORP.
300 N. PEARL STREET
DALLAS, TEXAS 75202.**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge