

APPEAL NO. 012023
FILED OCTOBER 16, 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 25, 2001. The hearing officer resolved the disputed issue by determining that the appellant (claimant) did not sustain a compensable injury on _____. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

Section 401.011(10) defines a "compensable injury" as "an injury that arises out of and in the course and scope of employment for which compensation is payable under this subtitle." "Course and scope of employment" is defined in Section 401.011(12). The claimant had the burden to prove that she was injured in the course and scope of her employment. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). In Texas Employers' Insurance Association v. Prasek, 569 S.W.2d 545, 547 (Tex. Civ. App.-Corpus Christi 1978, writ ref'd n.r.e.), the court noted that the fact that an employee is injured while at work or on the premises of the employer does not in and of itself make the injury compensable, and that in determining whether the injury originated out of the employee's employment, it is necessary to determine that there is a sufficient causal connection between the conditions under which the work was required to be performed and the resulting injury to the employee. In the instant case, the hearing officer considered the conflicting evidence and found that the claimant did not show by a preponderance of the evidence that there was a causal relationship between her work and the herniated disc. The hearing officer concluded that the claimant did not sustain a compensable injury on _____. The claimant contends that the hearing officer's finding and decision are against the great weight and preponderance of the evidence. The 1989 Act makes the hearing officer 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. We conclude that 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. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **PAULA FINANCIAL CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY
d/b/a CSC LAWYERS INC.
100 CONGRESS AVE., #100
AUSTIN, TEXAS 78701**

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge