

APPEAL NO. 020006  
FILED JANUARY 24, 2002

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 December 11, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; that the compensable injury includes the right knee, right shoulder, cervical spine, and lumbar spine; and that the claimant has had disability as a result of his compensable injury from \_\_\_\_\_, through the date of the CCH. The appellant (carrier) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

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 trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision reflects that he found the claimant's testimony, as well as the testimony of the claimant's wife, to be credible. The hearing officer's determinations on the disputed issues are also supported by the reports of the treating doctor. With regard to the carrier's assertion that disability ended on December 1, 2001, when the claimant began some unspecified form of "voluntary leave," we note that there is no evidence that the leave time which began on that date was paid leave time, that the claimant testified that the employer did not have light duty available for him at that time, and that the claimant testified that he is unable to perform his preinjury job duties due to his compensable injury. 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 **ESIS, INC.** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN  
6600 E. CAMPUS CIRCLE DRIVE, SUITE 200  
IRVING, TEXAS 75063.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge