

APPEAL NO. 020141  
FILED FEBRUARY 19, 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 was held on December 19, 2001. The hearing officer resolved the disputed issues before him by determining that the appellant (claimant) (1) did not sustain a compensable injury in the form of an occupational disease; (2) that the respondent (carrier) is relieved from liability under Section 409.002, because the claimant failed to timely notify her employer pursuant to Section 409.001; (3) that the date of injury is on or before \_\_\_\_\_; and (4) that because the claimant did not sustain a compensable injury, she did not have disability. The claimant appealed, expressing disagreement with the hearing officer's decision. The carrier responded, urging affirmance.

DECISION

We affirm.

The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. We have reviewed the complained-of determinations and conclude that the issues involved factual questions for the hearing officer to resolve. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C. J. FIELDS  
5910 NORTH CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75206.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Robert W. Potts  
Appeals Judge