

APPEAL NO. 020534
FILED APRIL 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 was held on February 25, 2002. The hearing officer determined that (1) the respondent (claimant) sustained a compensable injury on _____; (2) the appellant (carrier) is not relieved from liability under Section 409.002, because the claimant timely notified his employer pursuant to Section 409.001; and (3) the claimant had disability beginning _____, and continuing to January 15, 2002. The carrier appeals the determinations on sufficiency grounds. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The determinations involved questions 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The carrier states that the hearing officer's decision is unclear with regard to the dates of disability prior to July 16, 2001, and assumes that the hearing officer found disability for some but not all of the days in the above-stated period. The hearing officer's decision provides:

FINDING OF FACT

3. The inability of Claimant to obtain or retain employment, at wages equivalent to his preinjury wages, from _____ and continuing through to January 15, 2002, was the result of the injury that occurred while the Claimant was working for the Employer.

CONCLUSION OF LAW

4. The Claimant did have disability from a compensable injury sustained on _____, beginning on _____ and continuing through to January 15, 2002.

Given this language, the decision could not be more clear that the compensable injury was

a cause of the claimant's inability to obtain and retain employment at preinjury wages every day from _____, to January 15, 2002, and that the claimant had disability every day for such period.

The decision and order of the hearing officer are affirmed.

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

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge