

APPEAL NO. 020794
FILED MAY 22, 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 February 28, 2002. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) had disability, as defined by Section 401.011(16), from _____, through August 22, 2000; from August 25, 2000, through January 14, 2001; and from January 15, 2001, through February 28, 2002. The appellant (carrier) appeals that portion of the hearing officer's decision that finds disability for the period of January 15, 2001, through February 28, 2002. No response was received from the claimant.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

The parties stipulated that the claimant sustained a compensable injury and that he had disability from _____, through August 22, 2000, and from August 25, 2000, through January 14, 2001. The carrier appeals the hearing officer's determinations that the claimant had good cause for his failure to appear at the scheduled required medical examination (RME), and that the claimant had disability from January 15, 2001, through February 28, 2002. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. As a general rule, disability may be established by the claimant's testimony. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). We conclude that the hearing officer's decision is supported by sufficient evidence and that it 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).

We reform the hearing officer's decision to reflect that the RME was scheduled for March 30, 2001, and not February 28, 2001.

The hearing officer's decision and order, as reformed herein, are affirmed.

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

**UNITED STATES CORPORATION COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Roy L. Warren
Appeals Judge