

APPEAL NO. 020821
FILED MAY 21, 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 March 1, 2002. The hearing officer resolved the disputed issues by determining that the respondent's (claimant) compensable injury of _____, extends to and includes the left ankle, but does not extend to and include the left knee, and that the claimant had disability, as defined by Section 401.011(16), from April 21, 2001, through February 9, 2002. The appellant (carrier) appealed the hearing officer's determinations that the compensable injury extends to the left ankle and that the claimant had disability from April 21, 2001, through February 9, 2002. No response was received from the claimant. There is no appeal of the hearing officer's determination that the compensable injury does not extend to the left knee.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury when a truck ran over her left foot while she was performing her work activities. The claimant had the burden of proof on the disputed issues relating to the extent of the compensable injury and disability. Conflicting evidence was presented at the CCH. The hearing officer is 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. As a general rule, in workers' compensation cases the issues of injury and 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 appealed determinations are supported by sufficient evidence and are 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 **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Roy L. Warren
Appeals Judge