

APPEAL NO. 020848  
FILED MAY 13, 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 April 1, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a compensable repetitive trauma injury; that the date of injury was \_\_\_\_\_; that the claimant timely notified her employer of her injury; and that the claimant has not had disability resulting from the compensable injury. The claimant appealed the hearing officer's determination on the disability issue and the respondent (carrier) responded. There is no appeal of the hearing officer's determinations on the issues of compensable injury, date of injury, or timely notice of injury to the employer.

DECISION

The hearing officer's decision is affirmed.

Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." The claimant had the burden to prove that she has had disability as defined by Section 401.011(16). Texas Workers' Compensation Commission Appeal No. 020613, decided April 22, 2002. Conflicting evidence was presented at the CCH on the disability issue. 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. It is clear from the hearing officer's finding on the disability issue that the hearing officer was not persuaded that the claimant proved that she was unable because of her compensable injury to obtain and retain employment at wages equivalent to the preinjury wage. The hearing officer noted that he did not find the claimant's testimony concerning her inability to work to be credible. The hearing officer may believe all, part, or none of the testimony of a witness. 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).

The hearing officer's decision and order are affirmed.

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

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE I  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge