

APPEAL NO. 020924
FILED JUNE 4, 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 19, 2002. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) injury includes a repetitive trauma injury to the lower spine; that the date of injury under Section 408.007 was _____; that the appellant (carrier) is not relieved of liability under Section 409.002 because the claimant timely notified his employer of his injury under Section 409.001; and that the claimant had disability, as defined by Section 401.011(16), from _____, through the date of the CCH, March 19, 2002. The carrier appealed, and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

Conflicting evidence was presented at the CCH on the disputed issues. 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. The hearing officer's decision is supported by the claimant's testimony, the reports of the treating doctor, and the reports of another doctor. The hearing officer's decision is supported by sufficient evidence and 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 **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge