

APPEAL NO. 021689
FILED AUGUST 1, 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 November 14, 2001. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury sustained on _____, extends to and includes a right shoulder injury and right carpal tunnel syndrome (CTS), and that the claimant has had disability from November 30, 2000, through the date of the CCH. The appellant (carrier) appealed and the claimant responded. In Texas Workers' Compensation Commission Appeal No. 013179, decided February 5, 2002, the Appeals Panel reversed the hearing officer's decision and remanded the case to the hearing officer for reconstruction of the CCH record. A CCH on remand was held on May 29, 2002, and the parties agreed at the remand CCH that the hearing officer's original decision contained an accurate statement of the evidence, with the addition of some information regarding three weeks of part-time work. The hearing officer's decision on remand adopted the findings of fact, conclusions of law, decision, and order from the hearing officer's original decision. The carrier appealed the decision on remand and the claimant responded.

DECISION

The hearing officer's decision on remand is affirmed.

The claimant had the burden to prove that his compensable injury extended to include a right shoulder injury and right CTS, and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented 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 trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is evidence that the claimant worked part-time, restricted work for three weeks in September 2001, the hearing officer could determine from the medical reports and the claimant's testimony that he had disability as defined by Section 401.011(16) for the period of time found by the hearing officer. 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 on remand are affirmed.

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

**ROBIN MOUNTAIN
ACE USA
6600 E. CAMPUS CIRCLE DRIVE, SUITE 200
IRVING, TEXAS 75063.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge