

APPEAL NO. 021736  
FILED AUGUST 23, 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 was held on June 5, 2002. The hearing officer resolved the sole issue in dispute by determining that the respondent (claimant) had disability as a result of his compensable injury to his back on \_\_\_\_\_, from December 19, 2000, and continuing through June 5, 2002. The appellant (carrier) appealed the determinations of the hearing officer on sufficiency grounds, arguing no evidence. The claimant did not file a response.

DECISION

Affirmed.

The hearing officer did not err in determining that as a result of the compensable injury to the claimant's on back of \_\_\_\_\_, he had disability from December 19, 2000, and continuing through June 5, 2002. The claimant testified that his symptoms rendered him unable to obtain and retain employment at preinjury wages for that period and the medical records support the claimant's testimony. See Section 401.011(16).

The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). The hearing officer resolved the disputed issues in the claimant's favor, and the hearing officer's determination is supported by the claimant's testimony and the medical records in evidence. While the carrier argued a different interpretation of the evidence, we conclude that the hearing officer's determination is supported by the evidence, and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The hearing officer's decision and order are affirmed.

The official name of the carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS STREET  
AUSTIN, TEXAS 78701.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Robert W. Potts  
Appeals Judge