

APPEAL NO. 021761
FILED AUGUST 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 June 10, 2002, with the record closing on June 17, 2002. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, extends to and includes his left ankle and low back, in addition to the head injury and cervical strain, and that the claimant has had disability from the compensable injury from _____, through the date of the CCH. The appellant (carrier) appealed and the claimant responded.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

We reform Findings of Fact 1A, 1B, and 1D to state a date of _____, which is the date of injury the parties stipulated to at the CCH.

It is undisputed that the claimant sustained a compensable injury to his head and neck on _____. The issues before the hearing officer were whether the compensable injury also included the claimant's left ankle and low back, and whether the claimant had disability from _____, through the present. The claimant had the burden of proof on the disputed issues. 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 finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. 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 carrier has not shown reversible error in the hearing officer's admission of Claimant's Exhibit No. 6, a letter from the union steward that indicates the claimant told him about a foot injury on _____. The claimant's complaints regarding his left ankle and low back were documented in the treating doctor's report of _____.

The hearing officer's decision and order, as reformed herein, are affirmed.

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

**VAN WAGNER CO.
1100 JUPITER ROAD, SUITE 121
PLANO, TEXAS 75704.**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge