

APPEAL NO. 021797  
FILED SEPTEMBER 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 February 4, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained an injury in the course and scope of his employment on \_\_\_\_\_, and that he had disability from \_\_\_\_\_ through November 28, 2001. The appellant (carrier) appealed and the claimant responded. In Texas Workers' Compensation Commission Appeal No. 020545, decided April 24, 2002, the Appeals Panel reversed the hearing officer's decision and remanded the case for reconstruction of the CCH record. A CCH on remand to reconstruct the CCH record was held on May 31 and June 11, 2002. In the decision on remand, the hearing officer again determined that the claimant sustained an injury in the course and scope of his employment on \_\_\_\_\_, and that he had disability from \_\_\_\_\_ through November 28, 2001. The carrier appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The claimant had the burden to prove that he sustained a compensable injury, as defined by Section 401.011(10), and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH. Contrary to the carrier's assertion, the hearing officer's decision reflects that he did consider the carrier's contention that the claimant staged an accident at work. However, the hearing officer found that the claimant was a credible witness, and believed the claimant's testimony concerning how he fell while working for the employer, causing an injury to his left ankle. 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 determinations on the disputed issues are supported by sufficient evidence and are 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 **CLARENDON NATIONAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**UNITED STATES CORPORATION COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge