

APPEAL NO. 021991
FILED SEPTEMBER 12, 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 July 11, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a compensable injury on _____, but that the claimant has not had disability due to that injury. The claimant appealed the hearing officer's determination that he has not had disability. The respondent (carrier) responded. There is no appeal of the hearing officer's determination that the claimant sustained a compensable injury.

DECISION

The hearing officer's decision is affirmed.

Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." The claimant had the burden to prove that he had disability as defined by Section 401.011(16). The hearing officer considered the claimant's testimony regarding how he was able to work his regular job after his injury, why he quit his job to go on vacation for several months, and the work he obtained at three other employers when he returned from vacation. The hearing officer also considered the medical reports in evidence. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.1659(a). 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 are affirmed.

The true corporate name of the insurance 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.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge