

APPEAL NO. 022643
FILED DECEMBER 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 September 11, 2002. The hearing officer resolved the disputed issues by deciding that the compensable injury of _____, does not extend to include the appellant's (claimant) left shoulder rotator cuff tear and that the claimant did not have disability. The claimant appeals, arguing that the decision and order of the hearing officer should be reversed because it is against the great weight and preponderance of the evidence as to be manifestly unjust and wrong as a matter of law. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

Conflicting evidence was presented at the CCH on the issues that have been appealed. The claimant had the burden to prove the extent of his compensable injury and that he has had disability as defined by Section 401.011(16). 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 appealed determinations are supported by sufficient evidence and that they 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).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**C. T. CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge