

APPEAL NO. 022678  
FILED NOVEMBER 27, 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 September 20, 2002. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, extends to and includes the right shoulder impingement syndrome and tendinitis, but does not extend to and include a C3-4 herniated disc; and that the claimant has not had disability. The claimant appeals the hearing officer's decision that his compensable injury does not extend to and include a C3-4 herniated disc and that he has not had disability. The respondent (carrier) requests affirmance.

DECISION

The hearing officer's decision is affirmed.

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). 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 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  
AUSTIN, TEXAS 78701.**

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Thomas A. Knapp  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge