

APPEAL NO. 022692  
FILED NOVEMBER 21, 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 25, 2002. The hearing officer determined that the appellant (claimant) did not have disability as a result of the injury sustained on \_\_\_\_\_, beginning on May 21, 2002, and continuing through the date of the CCH. The claimant appealed, arguing that the hearing officer's determination is against the great weight and preponderance of the evidence. The respondent (self-insured) responded urging affirmance and submitted a conditional appeal contingent on the final decision of the Appeals Panel.

DECISION

Affirmed.

The self-insured's conditional appeal was contingent on the Appeals Panel reversing and remanding the hearing officer's disability determination. We note that the contingency has not occurred and therefore we will not address the self-insured's point of error on appeal. See Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §143.5 (Rule 143.5). We will treat the self-insured's conditional request for review as a response to the claimant's appeal.

The hearing officer did not err in determining that the claimant did not have disability as a result of the injury sustained on \_\_\_\_\_, beginning on May 21, 2002, and continuing through the date of the CCH. The claimant had the burden to prove that she sustained 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 hearing officer's disability determination 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, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**MAYOR  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Veronica Lopez  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge