

APPEAL NO. 022737
FILED DECEMBER 13, 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 October 8, 2002. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, does not extend to or include a herniated nucleus pulposus at L5-S1 or to bilateral lumbar facet syndrome at L4-5 and L5-S1; that the claimant had disability from February 7 through May 1, 2002; and that the employer made a bona fide offer of employment to the claimant on May 1, 2002. The claimant appealed, and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

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. The hearing officer did not find the claimant's testimony concerning a back injury to be credible. Several witnesses testified that the claimant told them that he had not fallen down when the accident occurred, which contradicted the claimant's testimony. A videotape showing the claimant's activities was also in evidence. If, as the claimant contends, the hearing officer erred with regard to the issue of a bona fide offer of employment, it would not affect the disability determination because the hearing officer determined that the compensable left leg injury was not a cause of the claimant's inability to work after May 1, 2002. 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 **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge