

APPEAL NO. 023176  
FILED JANUARY 27, 2003

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 22, 2002. The hearing officer determined that the appellant (claimant) sustained a compensable occupational disease injury; that the date of injury is \_\_\_\_\_; that the claimant gave timely notice of the injury to his employer; that the claimant is not barred from pursuing workers' compensation benefits because of an election to receive benefits under a group health insurance policy; and that the claimant had disability from \_\_\_\_\_, through July 1, 2002. The claimant appeals the determination that disability ended on July 1, 2002. The respondent (carrier) urges affirmance of the disability determination.

DECISION

Affirmed.

Whether, and for what period of time, the claimant had disability were factual questions for the hearing officer to resolve. 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 from the evidence presented. We are not persuaded by the claimant's argument that a medical release to return to work with restrictions, in and of itself, mandates that the hearing officer find that disability continued throughout the restricted period. The hearing officer noted that there was evidence that the claimant was engaged in strenuous physical activity even prior to being released to return to work with restrictions on July 1, 2002. Nothing in our review of the record indicates that the hearing officer's disability determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **SOUTHERN VANGUARD INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MICHAEL E. DITTO  
2727 TURTLE CREEK BOULEVARD.  
DALLAS, TEXAS 75219.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge