

APPEAL NO. 023192
FILED JANUARY 28, 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 November 25, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) had disability from May 21 to September 17, 2002; that the claimant did not have disability from September 18 to November 25, 2002; and that the employer's job offer of June 27, 2002, did not constitute a bona fide offer of employment (BFOE) under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 129.6(c). The claimant appealed the hearing officer's determination that she did not have disability from September 18 to November 25, 2002. The respondent (carrier) responded, requesting affirmance of the hearing officer's decision. There is no appeal of the hearing officer's determinations that the claimant had disability from May 21 to September 17, 2002, or that the June 27, 2002, job offer was not a BFOE.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable low back injury. Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." The claimant had the burden to prove that she has had disability. Conflicting evidence was presented on the disability issue. 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 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 **UNITED STATES FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PAUL DAVID EDGE
6404 INTERNATIONAL PARKWAY, SUITE 1000
PLANO, TEXAS 75093.**

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Terri Kay Oliver
Appeals Judge