

APPEAL NO. 030013
FILED FEBRUARY 24, 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 (CCH) was held on November 25, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) had disability as a result of the compensable injury of _____, from _____, through March 3, 2000, and that disability recurred from January 10, 2001, through January 16, 2002. The appellant (self-insured) appealed the hearing officer's disability determination. No response was received from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on _____. The disputed issue at the CCH was whether the claimant has had disability as a result of her compensable injury, and if so, for what period. 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 parties stipulated that the claimant had disability from _____, through March 3, 2000; that she did not have disability from March 4, 2000, through April 25, 2000; and that she had disability from August 20, 2001, through January 16, 2002. On appeal, the disputed period of disability found by the hearing officer is the period from January 10, 2001, through August 19, 2001. Conflicting evidence was presented with regard to the time period in dispute. 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. Although there is conflicting evidence, the hearing officer's finding of disability during the time period in dispute is supported by the claimant's testimony and by a report of a referral doctor indicating an off-work status due to the compensable injury. 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).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **A SELF-INSURED THROUGH WEST TEXAS EDUCATIONAL ASSOCIATION** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Daniel R. Barry
Appeals Judge