

APPEAL NO. 030014  
FILED FEBRUARY 7, 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 December 10, 2002. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) had disability from April 9 through May 9, 2002, as a result of the injury of \_\_\_\_\_. The appellant (carrier) appealed, arguing that there was no evidence, or alternatively insufficient evidence, to support that the claimant's condition changed significantly enough for him to be taken back off work. The appeal file did not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The sole issue at the CCH was whether the claimant had disability from April 9 through May 9, 2002, as a result of the injury of \_\_\_\_\_. The claimant had the burden to prove that he 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. The hearing officer's disability finding was supported by the claimant's testimony and the medical evidence. The physician who performed surgery on the claimant's right ankle on January 14, 2002, took the claimant off work from April 9 until May 9, 2002. 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). We note that the evidence reflected that a prior agreement of the parties on the issue of disability was entered into on March 14, 2002, but did not address the time periods presently at issue.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge