

APPEAL NO. 030078
FILED MARCH 3, 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 13, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____; that she did not have disability because she did not sustain a compensable injury; and that the respondent (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify the employer of her claimed injury pursuant to Section 409.001. The claimant appealed the hearing officer's decision and the carrier responded.

DECISION

Affirmed as reformed.

We reform the hearing officer's decision to reflect that Carrier's Exhibits Nos. 1 through 13 were admitted into evidence at the CCH.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10); that she had disability as defined by Section 401.011(16); and that she timely notified her employer of her claimed injury under Section 409.001. Conflicting evidence was presented at the CCH 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 commented in the Statement of the Evidence portion of her decision that she did not find the claimant's testimony to be credible. We conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and that they are 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).

Because the claimant did not object to any of the carrier's exhibits at the CCH, she did not preserve any complaint regarding the admission of those exhibits for review on appeal. Since all of the exhibits the claimant offered at the CCH were admitted into evidence, there is nothing for us to review on appeal regarding her assertion that her witness statement was not properly admitted.

As reformed herein, we affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

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

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge