

APPEAL NO. 030305  
FILED MARCH 20, 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 January 10, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that he has not had disability because he did not sustain a compensable injury; and that the respondent (carrier) is not relieved of liability under Section 409.002 because the claimant had good cause for failing to timely notify his employer of his claimed injury. The hearing officer ordered that the carrier is not liable for benefits. The claimant appealed the hearing officer's determinations that he did not sustain a compensable injury on \_\_\_\_\_, and that he has not had disability. The carrier filed a response requesting that we affirm the hearing officer's decision. There is no appeal of the hearing officer's determination that the carrier is not relieved of liability under Section 409.002 because the claimant had good cause for failing to timely notify his employer of his claimed injury.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10). Conflicting evidence was presented at the CCH. 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 weight to be given to the claimant's testimony, witness statements, and medical reports was for the hearing officer to determine as the finder of fact. Although there is conflicting evidence in this case, 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). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

We affirm the hearing officer's decision and order.

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

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Chris Cowan  
Appeals Judge