

APPEAL NO. 030632
FILED APRIL 30, 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 February 19, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that she had disability from July 23 through August 20, 2002. The appellant (carrier) appealed, and the claimant responded.

DECISION

Affirmed.

The carrier contends that the hearing officer committed reversible error in denying its request for a hearing subpoena for CA. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.12(b)(2) (Rule 142.12(b)(2)) provides that the Texas Workers' Compensation Commission may issue a subpoena at the request of a party if the hearing officer determines the party has good cause. It is clear that the hearing officer was not persuaded that good cause was shown for the hearing subpoena. In making that determination, the hearing officer noted that the record contained a signed, written statement from CA stating that, although she was present on the morning of _____, she did not witness the claimant move or pick up any boxes. The carrier did not indicate that CA's testimony at the CCH would be any different from her written statement. We do not find that the hearing officer abused his discretion in denying the hearing subpoena or that reversible error has been shown in connection with his ruling denying the hearing subpoena.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 410.011(10) and that she had disability as defined by Section 401.011(16). 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. 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).

We affirm the hearing officer's decision and order.

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

**PARKER W. RUSH
1445 ROSS AVENUE, SUITE 4200
DALLAS, TEXAS 75202-2812.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge