

APPEAL NO. 030711  
FILED MAY 13, 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 18, 2003. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury does not include the L5-S1 disc pathology, and that the claimant has had disability beginning June 10, 2002, and continuing through the date of the CCH. The appellant (carrier) appeals the hearing officer's disability determination. There is no appeal of the hearing officer's determination that the compensable injury does not include the L5-S1 disc pathology. No response was received from the claimant.

DECISION

Affirmed, as reformed herein.

The "Exhibits" portion of the hearing officer's decision is reformed to reflect that the hearing officer excluded from evidence pages 1 through 7 and pages 12 through 15 of Claimant's Exhibit No. 8, and Claimant's Exhibits Nos. 9, 10, and 11.

The claimant had the burden to prove that she has had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issue. 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 in this case, we conclude that the hearing officer's decision on the disability issue 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).

As reformed herein, the hearing officer's decision and order are affirmed.

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.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge