

APPEAL NO. 030755
FILED APRIL 24, 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 15, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____; that the claimant did not have any disability as a result of the claimed injury; and that the respondent (carrier) is relieved from liability under Section 409.002 because the claimant did not timely notify her employer pursuant to Section 409.001. The claimant appealed, arguing that the determinations of the hearing officer are against the great weight and preponderance of the evidence and argues that the appropriate legal standards were not applied. The carrier responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that she sustained an injury while helping unload merchandise from a truck for the employer. 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). We find no merit in the claimant's assertion that the appropriate legal standards were not applied.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**NO
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Margaret L. Turner
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge