

APPEAL NO. 030761
FILED MAY 5, 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 28, 2003. The hearing officer resolved the disputed issues by deciding that the date of injury is _____; that the appellant (claimant) did not timely report an injury to her employer and did not have good cause for failing to notify her employer of an injury; that the claimant did not sustain a compensable injury; and that the claimant has not had disability. The claimant appealed, and the respondent (carrier) responded.

DECISION

Affirmed, as reformed herein.

Finding of Fact No. 1.A. is reformed to reflect that the parties stipulated that at all pertinent times, and particularly on (alleged date of injury), the claimant was an employee of the employer.

Finding of Fact No. 1.B. is reformed to reflect that the parties stipulated that at all pertinent times the employer had workers' compensation insurance coverage with the carrier.

The name of the third carrier witness listed in the hearing officer's decision (who was the second carrier witness at the CCH) is reformed to reflect a name of LF.

The date of signing of the hearing officer's decision is reformed to reflect a date of March 19, 2003 (not 2002).

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10); that she has had disability as defined by Section 401.011(16); and that she timely notified her employer of an injury pursuant to Section 409.001, or had good cause for failing to timely notify her employer of an injury. Regarding the issue of the date of injury, the claimant contended it was (alleged date of injury). The hearing officer determined that the date of injury is _____. 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. Although there is conflicting evidence in this case, 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).

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

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

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge