

APPEAL NO. 030824  
FILED MAY 22, 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 March 14, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) had disability on \_\_\_\_\_; July 31 and August 1, 2002; on August 5 continuing through October 30, 2002; and on November 9, 2002, continuing through February 4, 2003. The appellant (carrier) appealed, arguing that the determination of the hearing officer is against the great weight and preponderance of the evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on \_\_\_\_\_. The disputed issue at the CCH was whether the claimant has had disability as a result of her compensable injury, and if so, for what period. Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." 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, the hearing officer's finding of disability during the time period in dispute is supported by the claimant's testimony and by the medical evidence. The hearing officer noted that the claimant's testimony concerning her pain and limitations was reasonably consistent with the medical evidence and was credible. 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).

We affirm the decision and order of the hearing officer.

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

**GARY SUDOL**  
**9330 LBJ FREEWAY, SUITE 1200**  
**DALLAS, TEXAS 75243.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge