

APPEAL NO. 031053
FILED JUNE 12, 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 April 8, 2003. The hearing officer resolved the disputed issues by deciding that: (1) the respondent/cross-appellant (claimant) sustained a compensable injury; (2) that the appellant/cross-respondent's (carrier) defense on compensability is limited to the defenses listed on the Payment of Compensation or Notice of Refused/Disputed Claim (TWCC-21) that was filed with the Texas Workers' Compensation Commission on July 17, 2002; (3) that the carrier is not relieved from liability under Section 409.002 because it failed to timely raise the defense; (4) that the carrier is not relieved of liability under Section 409.004 because it failed to timely raise the defense; and (5) the claimant had disability from _____, through the date of the CCH. The claimant appealed the finding that he notified the employer of the injury and the fact that it was work related on _____, contending that the finding is against the great weight and preponderance of the evidence. The carrier responded, urging affirmance. The carrier cross-appealed, disputing the compensable injury and disability determinations. The claimant responded, arguing that sufficient evidence supported the disputed determinations.

DECISION

Affirmed.

The complained-of determinations involved questions of fact for the hearing officer to resolve. Conflicting evidence was presented at the CCH. 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's decision is supported by sufficient evidence and 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 **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge