

APPEAL NO. 031352
FILED JUNE 25, 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 22, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on or about _____; that the claimant has not had disability; that the respondent (carrier) is relieved of liability under Section 409.002 because the claimant failed without good cause to timely notify the employer of his claimed injury pursuant to Section 409.001; and that the claimant's average weekly wage was (AWW) \$510.05. The claimant appealed the hearing officer's determinations on the issues of compensable injury, disability, and timely notice of injury to the employer, and the carrier responded. There is no appeal of the hearing officer's determination on the issue of the claimant's AWW.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10); that he had disability as defined by Section 401.011(16); and that he timely notified his employer of his claimed injury not later than the 30th day after the date on which the injury occurred pursuant to Section 409.001(a), or had good cause for not timely notifying the employer. 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. We conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and 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 affirm the hearing officer's decision and order.

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

**ROBIN MOUNTAIN
ACE USA
6600 EAST CAMPUS CIRCLE DRIVE, SUITE 200
IRVING, TEXAS 75063.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge