

APPEAL NO. 031558
FILED AUGUST 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 May 21, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) had disability from May 10, 2002, through the date of the CCH. The appellant (carrier) appeals, contending that the hearing officer's decision is not supported by sufficient evidence and is contrary to the great weight of the evidence. The claimant responds, asserting that the hearing officer's decision is supported by the evidence and requesting affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable low back injury on _____ . The disputed issue was whether the claimant had disability "from May 10, 2002 to the present." The claimant had the burden to prove that he had disability as defined by Section 401.011(16). Conflicting evidence was presented with regard to the claimant's ability to work. The hearing officer resolved the conflicts in the evidence by deciding that the claimant had disability, as defined by Section 401.011(16), from May 10, 2002, through the date of 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. Although there is conflicting evidence in this case, we conclude that 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 hearing officer's decision and order.

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

**SD
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge