

APPEAL NO. 031665
FILED JULY 23, 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 22, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury does not extend to include carpal tunnel syndrome (CTS) in her left wrist or any injury to her right shoulder and that the claimant had disability from March 21 through June 4, 2002. The claimant appealed the disability determination and the respondent (carrier) responded. The determination that the compensable injury does not extend to include CTS to the claimant's left wrist or any injury to her right shoulder was not appealed and has become final. Section 410.169.

DECISION

Affirmed as reformed.

The claimant had the burden to prove that she has had disability as defined by Section 401.011(16). The hearing officer found the claimant had disability from March 21 through June 4, 2002. The claimant appealed, contending that it was error for the hearing officer to determine that the claimant's disability lasted only through June 5, 2002. Although there is conflicting evidence, the hearing officer was acting within his province in determining that the claimant failed to establish that after June 4, 2002, the reason she was unable to obtain and retain employment at wages equivalent to her preinjury wage was not due to her compensable injury. 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 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 reform Finding of Fact No. 10 to conform to the conclusion of law and decision of the hearing officer that the period of disability was from March 21 through June 4, 2002, rather than March 21 through June 5, 2002.

We affirm the decision and order of the hearing officer as reformed.

The true corporate name of the insurance carrier is **COMBINED SPECIALTY 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:

Elaine M. Chaney
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge