

APPEAL NO. 031838
FILED AUGUST 27, 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 June 11, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) had disability from January 10 through January 15, 2002, January 23 through February 26, 2002, and from June 6 through October 21, 2002, but did not have disability from February 27 through June 5, 2002, or from October 22 through November 6, 2002. The appellant (self-insured) appealed, arguing that the evidence was insufficient to support the finding that the claimant had an inability to work at or above her preinjury average weekly wage as a result of the injury for the stated periods. Specifically the self-insured disputes that the claimant had disability from June 6 through August 13, 2002. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

It was undisputed that the claimant sustained a compensable injury on _____. The claimant testified that she injured her right hand and thumb while opening a door of the bus she was driving. The record reflects that the claimant had surgery to her right thumb on August 14, 2002, and that the surgeon who performed the surgery released the claimant to return to work without restriction on October 21, 2002.

The claimant had the burden to prove that she had disability as defined in Section 401.011(16). 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. Although there is conflicting evidence in this case, the claimant's testimony and the medical evidence support the hearing officer's determinations on the disputed issue. 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

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

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge