

APPEAL NO. 031858
FILED AUGUST 20, 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 was held on June 12, 2003. The hearing officer determined that the respondent (claimant) had sustained a compensable (left shoulder) injury on _____, and had disability from September 17, 2002, through April 20, 2003.

The appellant (carrier) appealed, contending that the hearing officer "ignored the medical evidence" of a prior shoulder injury, that because the claimant did not have a compensable injury the claimant did not have disability and that the hearing officer's decision is against the great weight and preponderance of the evidence. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant testified that he sustained a compensable left shoulder injury on _____, pulling on a chain valve. The medical evidence and the claimant's testimony establish that the claimant had left shoulder complaints in June 2002. The claimant asserts those complaints resolved and he sustained a new injury on _____. The carrier maintains that the claimant's prior injury had not resolved and the _____, complaints were a continuation of the June 2002 nonwork-related injury. Also in dispute were contradictory employer forms-some of which referenced a work-related injury pulling the chain valve, others indicating the complaints were not work related.

The testimony and medical evidence were in conflict in regard to the disputed issues and the evidence was sufficient to support the determinations of the hearing officer. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Veronica Lopez-Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge