

APPEAL NO. 032060
FILED SEPTEMBER 18, 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 July 15, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, includes the right ankle MRI findings dated August 9, 2002, but does not include a right knee strain/sprain, the right knee MRI findings dated August 9, 2002, and an injury to the lumbar spine; that the claimant did not have disability resulting from the injury sustained on _____, from September 17, 2002, through the date of the CCH; and that the employer tendered a bona fide offer of employment (BFOE) to the claimant. The claimant appealed and the respondent (carrier) responded.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable right ankle sprain/strain injury on _____. The carrier did not appeal the hearing officer's determination that the compensable injury includes the right ankle MRI findings of August 9, 2002. The claimant contended that her injury also includes her right knee and lumbar spine, and that as a result of her _____, compensable injury, she had disability from September 17, 2002, through the date of the CCH. Conflicting evidence was presented at the CCH. The hearing officer resolved the conflicts in the evidence by deciding that the compensable injury includes the right ankle MRI findings, but does not include a right knee strain/sprain, the right knee MRI findings, or an injury to the lumbar spine; that the claimant did not have disability resulting from the compensable injury of _____, from September 17, 2002, through the date of the CCH; and that the employer tendered a BFOE to the claimant. 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 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 hearing officer's decision and order.

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

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge