

APPEAL NO. 032488
FILED NOVEMBER 6, 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 August 26, 2003. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, includes a right shoulder rotator cuff tear and that he had disability beginning on June 11, 2002, and continuing through the date of the CCH. The appellant (carrier) appeals, contending that the hearing officer's decision is against the great weight of the evidence. No response was received from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury. The claimant had the burden to prove that his compensable injury includes a right rotator cuff tear and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. 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 **ST. PAUL FIRE & MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge