

APPEAL NO. 032538  
FILED NOVEMBER 14, 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 28, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) had disability as a result of his compensable injury of \_\_\_\_\_, from March 31, 2003, through the date of the CCH. The appellant (carrier) appeals, contending that the hearing officer's decision is contrary to 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 only issue is whether the claimant has had disability, which is defined in Section 401.011(16) as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." Conflicting evidence was presented at the CCH on the disputed issue. 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. Apparently the hearing officer was persuaded by the claimant's testimony and by the reports of the claimant's current treating doctor that the claimant met his burden of proof on the disability issue. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and 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 **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.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge