

APPEAL NO. 032958  
FILED DECEMBER 15, 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 October 16, 2003. The hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, that includes his lower back and right knee, but not his shoulders and neck; that as a result of his compensable injury, the claimant had disability from March 30 through August 14, 2003; and that the appellant (carrier) did not waive the right to dispute compensability of the claimed injury. The carrier appeals the hearing officer's decision, contending that the hearing officer erred in determining that the claimant suffered any injury on \_\_\_\_\_, and that the claimant had disability. The carrier asserts that the evidence is insufficient to support the hearing officer's decision and that the great weight of the evidence is contrary to the hearing officer's decision. The carrier also asserts in the alternative that if the claimant had disability, it would have ended on April 4, 2003. The claimant asserts that sufficient evidence supports the hearing officer's decision. There is no appeal of the hearing officer's determination that the carrier did not waive the right to dispute compensability of the claimed injury.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented on the appealed 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, the claimant's testimony and the reports of the claimant's treating doctor support the hearing officer's determinations on the appealed issues. We conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and are 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 **BANKERS STANDARD INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MARCUS CHARLES MERRITT  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200  
IRVING, TEXAS 75063.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Margaret L. Turner  
Appeals Judge