

APPEAL NO. 040020  
FILED FEBRUARY 25, 2004

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 November 24, 2003. The hearing officer resolved the disputed issues by deciding that on \_\_\_\_\_, the appellant (claimant) sustained a compensable injury; that the claimant had disability from April 3 through July 23, 2003; and that the claimant did not have disability from July 24, 2003, through the date of the CCH. The claimant appeals the determination that he did not have disability after July 23, 2003. The appeal file does not contain a response from the respondent (carrier). The determination that the claimant sustained a compensable injury was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

The claimant had the burden to prove that he had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer noted that she did not find it credible that the claimant had disability past July 23, 2003. 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 determination on the disputed issue of disability 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 decision and order of the hearing officer.

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

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge