

APPEAL NO. 040028  
FILED FEBRUARY 12, 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 was held on December 10, 2003. The hearing officer determined that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_, (all dates are 2003 unless otherwise noted), that the claimant had disability from May 27 through August 11, and that the respondent (carrier) has not waived its right to contest compensability of the claimed injury. The hearing officer's determinations on injury and carrier waiver have not been appealed and, therefore, have become final pursuant to Section 410.169.

The claimant appeals the determination on disability contending that her condition had not changed since August 11 and, therefore, she is entitled to continuing disability. The carrier responds, urging affirmance.

DECISION

Affirmed.

The claimant, a housekeeper, sustained a compensable injury on \_\_\_\_\_ when she slipped and fell. The claimant testified that she injured her right hand, right knee, and left shoulder. The claimant saw a doctor the following day and was treated and released to light duty. The claimant continued to work light duty until May 26 or 27, when the claimant said she was unable to work because of left shoulder pain. The claimant began treating with Dr. T and in evidence is a Work Status Report (TWCC-73) dated June 4 taking the claimant off work from June 4 through July 4. Also in evidence is a report dated July 11 from Dr. T, who refers the claimant to a chiropractor for follow up and "possible referral for orthopedic surgical evaluation" for the claimant's left shoulder. In evidence is a handwritten prescription pad note dated August 11 from Dr. T, from which is largely illegible but does appear to have the words "No work." There are no medical reports or records in evidence after August 11. The claimant testified that she began to attend college in August and argues that the fact that she can attend classes does not show that she can perform her preinjury duties as a housekeeper.

The claimant had the burden to prove that she 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. As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer was persuaded that the claimant's disability ended on August 11, the last date of any medical evidence. Although disability may be proven by the claimant's testimony alone, if believed, the hearing officer obviously was not persuaded by the claimant's testimony. The hearing officer may believe, all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). We

conclude that the hearing officer's determination on the appealed issue 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, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMCOMP ASSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS STREET, SUITE 330  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge