

APPEAL NO. 040273
FILED MARCH 30, 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 19, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, does not extend to include lumbar disc bulges at L4-5; and that as a result of her _____, compensable injury, the claimant had disability from August 11 to September 29, 2003. The claimant appeals, contending that the hearing officer misread the MRI report and that the hearing officer's decision is against the great weight and preponderance of the evidence. No response was received from the respondent (carrier).

DECISION

Affirmed.

The claimant had the burden to prove that the compensable injury extended to include a disc bulge at L4-5 and that she had disability as defined by Section 401.011(16). 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 MRI report, the testimony from the claimant's supervisor, the initial medical reports, and the video surveillance tape support the hearing officer's decision. We conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and that they 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 **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY
701 BRAZOS, SUITE 1050
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge