

APPEAL NO. 040423
FILED APRIL 7, 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 February 3, 2004. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) has disability from March 25, 2003, through the date of the CCH. The appellant (carrier) appealed, arguing that the evidence was insufficient to support the disability determination. The claimant responded, urging affirmance.

DECISION

Affirmed.

The sole issue before the hearing officer was whether the claimant had disability resulting from an injury sustained on _____, and if so, for what period(s) after and including March 1, 2003. The claimant had the burden to prove that he had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the disputed issue of disability. 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, 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 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

**PRENTICE HALL CORPORATION SYSTEM, INC.
800 BRAZOS
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge