

APPEAL NO. 040589  
FILED APRIL 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 (CCH) was held on February 12, 2004. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) has not had disability as a result of her \_\_\_\_\_, injury from \_\_\_\_\_, to the date of the CCH. The claimant appealed, disputing the disability determination. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that on \_\_\_\_\_, the claimant sustained a compensable injury to the neck, bilateral shoulders, elbows, and wrists. The sole issue before the hearing officer was whether the claimant had disability resulting from the \_\_\_\_\_, compensable injury. Disability is defined in Section 401.011(16) as the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage. We find no merit in the claimant's contention that the hearing officer applied the wrong standard in determining that the claimant did not have disability. The hearing officer noted that the evidence showed that the claimant did not begin to lose time from work until July 2, 2003, and that the only documented restriction upon her activities from July 9 to November 4, 2003, was that the claimant wear a splint/cast at work. A Work Status Report (TWCC-73) dated November 5, 2003, stated the claimant could work without restrictions. Conflicting evidence was presented at the CCH on the disputed issue. The hearing officer was not persuaded by the evidence that the claimant met her burden of proof on the disability issue. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision 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 **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO F. MALO  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251-2237.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge