

APPEAL NO. 040900
FILED JUNE 8, 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 March 22, 2004. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____ or on _____ or on any other date in April of 2003; that the claimant did not have disability resulting from the claimed injury; and that the respondent (carrier) is relieved from liability under Section 409.002, because the claimant failed to timely notify the employer pursuant to Section 409.001. The claimant appealed, arguing that the great weight of the evidence was against the findings of the hearing officer. The carrier responded, urging affirmance.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury, that he had disability as defined by Section 401.011(16), and that he gave timely notice of injury to his employer pursuant to Section 409.001. Conflicting evidence was presented on the disputed issues at the CCH. 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. The hearing officer noted in his Statement of the Evidence that the claimant's testimony was sharply inconsistent with other evidence. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations that the claimant did not sustain a compensable injury on _____, or on _____, or on any other date in April of 2003; that he failed to timely notify his employer pursuant to Section 409.001; and that he did not have disability are supported by sufficient evidence and 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 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 RAY OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge