

APPEAL NO. 040930  
FILED JUNE 2, 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 April 7, 2004. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not include a herniated disc at L5-S1 or a left knee focal lateral meniscal tear; that the claimant had disability from November 22, 2002, through January 6, 2003; and that the employer did not tender a bona fide offer of employment (BFOE) to the claimant. The claimant appeals, asserting that it was unfair for some of the doctors to give their opinions. The respondent (carrier) requests affirmance. The carrier did not appeal the determination on the issue of BFOE.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable lumbar sprain/strain injury and a compensable left knee sprain/strain injury. Conflicting evidence was presented at the CCH on the issues of the extent of the claimant's compensable injury and disability. The claimant had the burden of proof on those disputed issues. 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 determinations on the disputed issues regarding the extent of the compensable injury and 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 hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Edward Vilano  
Appeals Judge