

APPEAL NO. 041187
FILED JULY 12, 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 21, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of an occupational disease; that the date of injury pursuant to Section 409.007 was _____; that the claimant had disability from September 22 through September 25, 2003, and from October 6, 2003, through the date of the hearing; and that the appellant (carrier) is not relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001. The carrier appealed all of the above determinations and the claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant had the burden of proof on the disputed issues of occupational disease injury, date of injury, disability, and timely notice of injury to the employer. Conflicting evidence was presented 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. Although there is conflicting evidence in this case, the hearing officer's determinations are supported by the claimant's testimony and by the medical reports of the treating doctor. We conclude that the hearing officer's decision is supported by sufficient evidence and that it 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 hearing officer's decision and order.

The true corporate name of the insurance carrier is **FIRE & CASUALTY INSURANCE COMPANY OF CONNECTICUT** 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.**

Daniel R. Barry
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge