

APPEAL NO. 041316
FILED JULY 19, 2004

This appeal arises pursuant to Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 25 and May 13, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that he had disability from December 19, 2002, through the date of the CCH. The appellant (carrier) appealed the hearing officer's determinations, contending that the claimant failed to meet his burden of proof and that the hearing officer's decision is against the great weight and preponderance of the evidence. The claimant asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the 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. The hearing officer found that the claimant injured his left knee and left elbow when he fell at work while in the course and scope of his employment on _____, and that as a result of his left knee injury, the claimant has been unable to obtain and retain employment at wages equivalent to his preinjury wage from December 19, 2002, through the date of the CCH. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues of 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.**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Chris Cowan
Appeals Judge