

APPEAL NO. 041582
FILED AUGUST 13, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on June 7, 2004. The hearing officer resolved the disputed issues by deciding that the current condition of the appellant's (claimant) right forearm, wrist, and shoulder is due to the claimant's (date of injury No. 1), compensable injury; that the claimant did not sustain a compensable injury in the form of an occupational disease with a date of injury of (date of injury No. 2); that the claimant failed to timely notify her employer of her claimed 1999 injury; and that the claimant has not had disability due to her alleged (date of injury No. 2), injury. The claimant appeals the hearing officer's determinations regarding the claimed 1999 injury. The respondent (self-insured) requests affirmance. There is no appeal of the hearing officer's determination regarding the 1996 compensable injury.

DECISION

Affirmed.

Conflicting evidence was presented on the appealed issues. There were medical opinions to the effect that the claimant sustained a new injury and medical opinions to the effect that the claimant did not sustain a new injury. The claimant contended that she sustained an aggravation of preexisting conditions due to her work activities, but the hearing officer found that no aggravation occurred. The issues regarding the alleged 1999 injury presented questions of fact to be resolved by the hearing officer as the finder of fact. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues 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). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16) due to her alleged 1999 injury.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** 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:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge