

APPEAL NO. 041708  
FILED SEPTEMBER 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 June 16, 2004. The hearing officer resolved the disputed issues by deciding that the appellant/cross-respondent (carrier) is relieved of liability under Section 409.002 because of the respondent/cross-appellant's (claimant) failure to timely notify her employer pursuant to Section 409.001; that because the claimant did not give timely notice, she did not sustain a compensable injury; and that because the claimant did not sustain a compensable injury, she does not have disability. The carrier appealed the hearing officer's injury and disability findings based on sufficiency of the evidence grounds. The claimant cross-appealed the hearing officer's timely notice determination based on sufficiency of the evidence grounds. The appeal file does not contain a response from either the carrier or the claimant.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10); that she had disability as defined by Section 401.011(16); and that she notified her employer of an injury not later than the 30th day after the date on which the injury occurred pursuant to Section 409.001(a), or had good cause for failing to give timely notice of injury to the employer. 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. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the disputed 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).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **HARTFORD CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Margaret L. Turner  
Appeals Judge