

APPEAL NO. 041795
FILED SEPTEMBER 9, 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 18, 2004. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, does not include an injury to the lumbar spine, and that the claimant had disability from September 9 through October 14, 2003, and at no other times through the date of the CCH. The claimant appeals, contending that the evidence proves that he injured his back when his right leg struck the cart at work, and that in addition to the period of disability found by the hearing officer, he also had disability from October 15, 2003, through the date of the CCH. No response was received from the respondent (self-insured).

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to his right leg. The disputed issues are whether the claimant's compensable injury includes an injury to his lumbar spine and whether he had disability resulting from his compensable injury. The claimant had the burden of proof on the disputed issues. 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. We conclude that the hearing officer's determinations that the claimant's compensable injury does not include an injury to the lumbar spine and that the claimant had disability, as defined by Section 401.011(16), from September 9 through October 14, 2003, 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 **(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:

Daniel R. Barry
Appeals Judge

Thomas A. Knapp
Appeals Judge