

APPEAL NO. 041809
FILED SEPTEMBER 7, 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 30, 2004. The hearing officer resolved the disputed issues by deciding that on _____, the respondent (claimant) sustained a compensable injury and that the claimant had disability from February 17, 2004, through the date of the CCH. The appellant (self-insured) appealed, arguing that the injury determination is against the great weight and preponderance of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10) and that she had disability as defined by Section 401.011(16). It is undisputed that the claimant was involved in a motor vehicle accident (MVA) while in the course and scope of her employment on _____. The self-insured contends that the claimant did not sustain any injury in that MVA but rather her symptoms were due to the natural progression of a prior injury. Conflicting evidence was presented at the CCH on the disputed issues of compensable injury and disability. 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 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).

We affirm the decision and order of the hearing officer.

According to information provided by the self-insured, the true corporate name of the insurance carrier is (**a self-insured governmental entity**) and the name and address of its registered agent for service of process is

**PRESIDENT BOARD OF TRUSTEES
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Veronica L. Ruberto
Appeals Judge