

APPEAL NO. 031348
FILED JULY 3, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 23, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) is not entitled to change treating doctors to Dr. F and that the claimant has not had disability from September 25, 2002, through April 23, 2003. The claimant appeals the "hearing officer's factual findings and legal conclusions that the claimant did not sustain a compensable injury in the course and scope of employment and that she has not suffered disability as a result of her compensable injuries." The respondent (carrier) responded, urging affirmance. The determination that the claimant is not entitled to change treating doctors has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

It was undisputed that the claimant sustained a compensable injury. The claimant had the burden to prove that she had disability as defined by Section 410.011(16). Conflicting evidence was presented on this issue. 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 decision is supported by sufficient evidence and that it is 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 find no merit in the claimant's assertion that the hearing officer disregarded all of the evidence in order to make factual findings and draw legal conclusions that are unsupported by any evidence in the record. The hearing officer assigned whatever weight he deemed appropriate to the evidence before him, including the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ).

We affirm the decision and order of the hearing officer.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge