

APPEAL NO. 033247
FILED FEBRUARY 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 November 10, 2003. The hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury on _____, and had disability beginning May 22, 2003, and continuing through the date of the CCH. The appellant (carrier) appealed, arguing that the determinations of the hearing officer are contrary to the great weight and preponderance of the evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury and that he had disability as defined by Section 401.011(16). The claimant testified that he was standing up in the back doorway of a bus and as he bent down and grabbed a heavy piece of luggage, he felt a snap and experienced pain in his back. Conflicting evidence was presented on the disputed issues at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was persuaded that the claimant met his burden of proof on both issues. 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 that the claimant did sustain a compensable injury on _____, and that he had disability beginning May 22, 2003, and continuing through the date of the CCH 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.

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

**PARKER W. RUSH
2001 BRYAN STREET, SUITE 3400
DALLAS, TEXAS 75201-3068.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge