

APPEAL NO. 010085

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 November 15, 2000. The appellant (claimant) appealed. The respondent (carrier) responded.

The claimant contended that while he was working as a security guard, he stumbled and hit his head on a metal doorframe causing extensive injuries. Contrary evidence was offered from a person present at the time, as well as from medical records.

DECISION

Affirmed.

Appealed Issue 1 and Decision

It was not error to find that the claimant did not sustain a compensable injury on \_\_\_\_\_.

Rationale: The evidence was conflicting, and the witnesses identified by the claimant could not corroborate the claimant's account of what occurred.

Appealed Issue 2 and Decision

It was not error to find that the claimant timely reported a claimed injury of \_\_\_\_\_.

Rationale: Even though this issue was won by the claimant, his attorney appealed this issue. There being no harm to the claimant, we decline to review an apparently erroneous appeal of this point.

Appealed Issue 3 and Decision

It was not error to find that the claimant had no disability because there was no compensable injury.

Rationale: The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). There was conflicting evidence presented at the hearing on the issues. The hearing officer's determination on the issue was not so against the great weight and preponderance of the evidence to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision is affirmed.

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Robert W. Potts  
Appeals Judge