

APPEAL NO. 010356

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on January 16, 2001, the hearing officer resolved the disputed issues by determining that the appellant (claimant) did sustain a compensable injury to her knees in the form of abrasions on _____, but did not sustain a compensable injury to her cervical, thoracic, and lumbar spine and her shoulders, and that she did not have any disability as a result of the compensable injury. The claimant has appealed the adverse determinations on evidentiary sufficiency grounds. The respondent (carrier) urges that the evidence is sufficient to support the challenged findings.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, included only abrasions on her knees, sustained when she fell on her knees after tripping at work, and that she did not have disability resulting from her knee abrasions. The claimant contended that she also hurt her back when she stumbled and fell to her knees and that she has been unable to work since that date as a consequence of her back pain. However, an assistant manager testified that the claimant told her when she called in on her next scheduled day to work after _____ that she had hurt her back vacuuming at her house. The hearing officer, who is the sole judge of the weight and credibility of the evidence, could, and did, consider various conflicts and inconsistencies in the evidence and resolved them in favor of the carrier. We are satisfied that the challenged findings are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge