

APPEAL NO. 010534

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 February 1, 2001. The hearing officer resolved the disputed issues by concluding that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and that he did not have disability as that term is defined in Section 401.011(16). The claimant appeals these determinations on sufficiency of the evidence grounds. The respondent (carrier) contends in response that the evidence is sufficient to warrant our affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant failed to prove he sustained the claimed injury and that he had disability resulting therefrom. The hearing officer's discussion of the evidence makes clear that she did not find the claimant's testimony about the occurrence of the injury persuasive, given the several variations on the mechanics of the injury appearing in his medical records. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the inconsistencies and conflicts in the evidence Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). We are satisfied that the challenged determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge