

APPEAL NO. 010557

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 February 14, 2001. The hearing officer resolved the two disputed issues by determining that the appellant (claimant) did not sustain a compensable injury _____, and the claimant did not have disability. The claimant appeals these determinations on sufficiency of the evidence grounds. There is no response in the record from the respondent (carrier).

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 exhaustive statement of evidence unambiguously shows that she did not find the claimant to be a credible witness, in view of the several contradictions he made in reference to the claimed incident and related information, including that of his previous workers' compensation claim for the same type of low back injury. In addition, the hearing officer noted that the medical evidence on the record was inadequate to show a causal connection between the findings in the claimant's MRI and his claimed injury of _____.

Pursuant to Section 410.165(a) of the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. The hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts have been established from the conflicting evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ); St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). This tribunal will not disrupt the contested findings of a hearing officer unless they are 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We do not find them so here.

For these reasons, we affirm the hearing officer's decision and order.

Philip F. O'Neill
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge