

APPEAL NO. 010629

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 6, 2001. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not injure his lower back, right hip, or groin on _____, and that the claimant did not have disability as a result of the compensable injury of _____. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that on _____, the claimant was involved in an accident at work when a forklift driven by JR bumped into a cart and the cart struck the claimant's leg. The claimant said that he had a bruise on his leg from the accident and that he was knocked backwards and fell over boxes on a pallet, injuring his lower back, right hip, and groin. JR said that the claimant had a little cut on his leg from the accident; that he did not see the claimant fall over; and that, if the claimant had fallen over, he would have seen that because he saw the claimant during the entire incident. RV, the supervisor on duty at the time of the accident, said that when he talked to the claimant on _____, about the accident, he saw that the claimant had a scratch on his leg but that the claimant did not tell him that he had fallen over or that he had any complaints other than the scratch, and that the claimant continued to work regular duties for his next three scheduled shifts. RV said that on September 1, 2000, the claimant told him that his back and hips hurt from the accident of _____. The claimant went to a hospital on September 4, 2000, complaining of lower back and groin pain from the accident of _____. The claimant was subsequently seen by other doctors for his complaints of lower back, hip, and groin pain.

There is conflicting evidence in this case. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's determinations that the claimant did not injure his lower back, right hip, or groin on _____, and that the claimant has not had disability is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The claimant's allegation concerning the adequacy of his attorney's representation is a matter to be resolved between the claimant and his attorney. Texas Workers' Compensation Commission Appeal No. 94660, decided July 7, 1994.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge