

APPEAL NO. 010812  
FILED JUNE 7, 2001

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 April 5, 2001. The hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain an injury in the course and scope of employment on \_\_\_\_\_; that he did not report the claimed injury in a timely manner, or establish good cause excusing his failure to give timely notice of injury; that he did not make an election of remedies and is not barred from receiving workers' compensation benefits; and that he does not have disability. The claimant has appealed the hearing officer's decision. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not have a compensable injury while working for the employer on \_\_\_\_\_; that he did not report the claimed injury to the employer in a timely manner or establish good cause for failing to report the claimed injury; and that he does not have disability.

The hearing officer is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer, as the finder of fact, to resolve the inconsistencies and conflicts in the evidence, including the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was not persuaded by the claimant's evidence. The Appeals Panel will not disturb the challenged factual finding of a hearing officer unless it is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find it so in this case. 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).

The hearing officer's decision is affirmed.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge