

APPEAL NO. 011055
FILED JULY 05, 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 24, 2001. The hearing officer resolved the disputed issues by determining that (employer) was not the appellant's (claimant) employer for purposes of the 1989 Act and, therefore, the claimant did not sustain a compensable injury. The claimant appealed and the respondent (carrier) responded, urging affirmance.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained serious injuries while working on a drilling rig on _____. The sole question in dispute revolves around the identity of the employer at the time of the fire.

There was conflicting evidence presented at the hearing on the issue of the identity of the employer at the time of the fire. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

The decision and order of the hearing officer are affirmed.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge