

APPEAL NO. 011309  
FILED JULY 11, 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 May 14, 2001, with the record closing on May 22, 2001. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and did not have disability. On appeal, the claimant expresses disagreement with the hearing officer's decision and requests that a new decision be rendered in her favor. The respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The claimant had the burden to prove by a preponderance of the evidence that she sustained a compensable injury on \_\_\_\_\_, and thereafter had disability, and these issues presented the hearing officer with questions of fact to resolve. The claimant testified that she slipped at work on that date and sustained injuries. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and it is for the hearing officer to resolve such conflicts and inconsistencies in the evidence as were present in this case (Garza v. Commercial Insurance Co. of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). The hearing officer clearly found the claimant's evidence lacking in credibility. As an appellate reviewing body, we will not disturb the challenged factual 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 and we do not find them 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).

---

Philip F. O'Neill  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Robert W. Potts  
Appeals Judge