

APPEAL NO. 011410
FILED JULY 26, 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 31, 2001. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury or have disability. On appeal, the claimant expresses disagreement with these determinations and requests that the hearing officer's decision be reversed and a new decision rendered in his favor. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The claimant had the burden to prove by a preponderance of the evidence that he sustained a compensable injury on _____, and thereafter had disability and these issues presented the hearing officer with questions of fact to resolve. The hearing officer determined that the claimant did not sustain a compensable injury and, consequently, did not have disability. 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)). 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).

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge