

APPEAL NO. 011655
FILED SEPTEMBER 5, 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 (CCH) was held on June 27, 2001. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and that the claimant has not had disability. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____, and that the claimant has not had disability. Section 401.011(10) defines "compensable injury." The claimant testified that he injured his back at work on _____, when the front-end loader he was driving ran into another loader. He went to an emergency room on December 14, 2000, and was diagnosed with a back strain. The carrier presented evidence from its witnesses that the claimant did not work on _____ and that the claimant told them that he injured his back when he was off work on that day. The hearing officer resolved the conflicts in the evidence and found that on _____, the claimant was not injured in the course and scope of his employment, and concluded that the claimant did not sustain a compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder 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 determination that the claimant did not sustain a compensable injury 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. Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

We do not find merit in the claimant's wholly unsupported allegation that he was denied due process and equal protection of the law. The record reflects that the claimant wished to proceed at the CCH with the assistance of a Texas Workers' Compensation Commission ombudsman, whom, he said, had met with him about his case for at least 15 minutes prior to the CCH (see Section 409.041(b)(5)). The record also reflects that, with the assistance of the ombudsman, the claimant presented his case through his testimony, documentary evidence, and cross-examination of all of the carrier's witnesses.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH SAINT PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge