

APPEAL NO. 011774
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 was held on July 5, 2001. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____ (all dates are 2001 unless otherwise noted), and that the claimant did not have disability.

The claimant appealed, contending that she was injured and had disability as she testified. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a furniture refinisher/sander. The claimant testified that on _____, in two incidents, she sustained injuries to her neck, mid and low back, and left shoulder, elbow, and wrist helping move or lift a large desk. The size and weight of the desk and mechanics of the alleged injury are in dispute. It is undisputed that at the end of the day on _____, the claimant was laid off because business was slow (and the claimant had been the last hired and first let go) and at that time the claimant had failed to report an injury. It is also undisputed that the next day, March 13, the claimant sought other employment with the employer and made other job contacts, but was unsuccessful. The claimant testified that she sought unemployment benefits and that during the days following her injury she thought her pain would go away but that it got progressively worse. The claimant sought medical treatment on March 15 from Dr. P and that same day the claimant reported her injury to the employer. The claimant was diagnosed with various strains/sprains and was taken off work effective March 15.

The hearing officer commented that the claimant's testimony was inconsistent with the medical evidence and that there were inconsistencies between the medical records. The hearing officer commented that while it was possible that the claimant was injured, as she testified, "she failed to prove that she did by a preponderance of the evidence."

There was conflicting evidence presented at the hearing on the issues. The hearing officer weighed the credibility and inconsistencies in the evidence, and the hearing officer's determination on the issues is not against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). In that we are affirming the hearing officer's decision of no compensable injury, the claimant by definition cannot have disability.

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

**C.T. CORPORATION SYSTEMS
350 N. ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge