

APPEAL NO. 011809
FILED AUGUST 30, 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 10, 2001. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and that the claimant did not have disability. The claimant requested "a review by the Appeals Panel" of Findings of Fact Nos. 4 and 5, and Conclusions of Law Nos. 3 and 4. The respondent (carrier) replied, arguing that the claimant's submission is insufficient as an appeal under Section 410.202(c) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(a)(2) (Rule 143.3(a)(2)), or, in the alternative, that the hearing officer's determinations were correct and should be affirmed.

DECISION

Affirmed.

The claimant's request for review does meet the minimum requirements of an appeal. See, e.g., Texas Workers' Compensation Commission Appeal No. 92081, decided April 14, 1992. This claimant specified which of the findings and conclusions he wanted to have reviewed, and we are not left to speculate as to what aspects of the decision are being appealed. We reject the carrier's argument that the claimant's request for review is insufficient to meet the minimum standards of an appeal.

The evidence sufficiently supports the hearing officer's determinations that the claimant did not sustain a compensable injury on _____, and that he did not have disability. Section 401.011(10) provides that a compensable injury is an injury which arises out of and in the course and scope of employment for which compensation is payable. Section 401.011(16) provides that disability means the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage. The hearing officer was not persuaded by the claimant's testimony that he sustained a work-related injury on _____, or that he had disability as a result of a compensable injury.

The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. Section 410.165(a). It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). We will reverse the factual determinations of a hearing officer only if those determinations are so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion of the evidence for that of the hearing officer.

The decision and order of the hearing officer are affirmed.

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

JEFF AUTRY
400 WEST 15TH ST, STE. 200
AUSTIN, TX 78701.

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge