

APPEAL NO. 012002  
FILED OCTOBER 12, 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 August 7, 2001. The following issues were before the hearing officer: (1) Did the respondent (claimant) sustain a compensable injury in the form of an occupational disease with a date of injury of \_\_\_\_\_; and (2) Did the appellant (carrier) waive the right to dispute compensability of the claimed injury by not contesting the injury in accordance with Section 409.021? The claimant withdrew the second issue and the hearing went forward only on the injury issue. The hearing officer determined that the claimant sustained a compensable injury in the form of an occupational disease on \_\_\_\_\_. The carrier appealed the hearing officer's determination on sufficiency grounds. No response was filed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury in the form of an occupational disease. Whether the claimant sustained the occupational disease injuries she alleged was a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 010747, decided May 14, 2001. There was conflicting evidence presented with regard to this issue. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). Upon review of the evidence presented, we cannot conclude that the hearing officer's determination is so 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).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750  
COMMODORE I  
AUSTIN, TEXAS 78701.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Michael B. McShane  
Appeals Judge