

APPEAL NO. 012046  
FILED SEPTEMBER 27, 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 6, 2001. The hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain a compensable injury and that she did not have disability. The claimant appealed and the respondent (carrier) responded, urging affirmance.

**DECISION**

Affirmed as reformed.

**INJURY AND DISABILITY**

The hearing officer did not err in determining that the claimant did not sustain a compensable injury and that she did not have disability. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence on the disputed issues. The hearing officer resolved the conflicts and inconsistencies in the evidence against the claimant and she was acting within her role as fact finder in determining that the claimant did not sustain her burden of proof on either issue. Nothing in our review of the record indicates that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

**SUFFICIENCY OF THE BASIS FOR THE DECISION**

We would first note that there is an obvious typographical error in one finding of fact in that the hearing officer found that the claimant did not sustain an injury on \_\_\_\_\_; this is hereby corrected to read \_\_\_\_\_, to conform to the claimed date and the date otherwise referenced in this opinion.

In her appeal, the claimant asserts that the hearing officer's Decision and Order are defective in that it does not provide "a rationale" for her decision. While we agree that it is the better practice to explain why a finding of fact was reached, the failure to include a rationale is not grounds for reversal nor is it required as an element of the hearing officer's decision. Section 410.168. The hearing officer found as fact that the claimant did not sustain an injury at work. Because the issue involved credibility of the evidence, it can be surmised that the hearing officer simply chose to believe some evidence and disbelieve the claimant's testimony.

The hearing officer's decision and order are affirmed as reformed herein.

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

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Michael B. McShane  
Appeals Judge