

APPEAL NO. 012056  
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 (CCH) was held on August 9, 2001. With respect to the issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and had resultant disability from March 12, 2001, through the date of the CCH. In its appeal, the appellant (carrier) challenges the hearing officer's conclusions on a sufficiency basis and seeks reversal. There is no response in the file from the claimant.

DECISION

Affirmed.

The evidence in the record supported the hearing officer's determination that, on \_\_\_\_\_, the claimant sustained a compensable injury in the nature of a low back injury, when she fell backwards, along with her chair back, while sitting at her workstation. Regarding the mechanism of injury, the claimant testified that she fell backwards and that her head "popped" when the back of her chair gave way to a full recline. With respect to the physical harm, the medical evidence demonstrates injury to the claimant's low back. The evidence presented on the issue of compensable injury was conflicting. The carrier argued that the mechanism of injury was impossible, and brought two witnesses to testify as to the mechanics of the chair, i.e., that it could not have reclined in the manner the claimant alleges.

Following her determination of compensable injury, the hearing officer did not err in determining that the claimant had disability for the period of March 12, 2001 (when her doctor took her off work), through August 9, 2001. The evidence supports the hearing officer's determination that the claimant had disability, as defined in Section 401.011(16), for the periods outlined above, despite the carrier's alternative argument that the period of disability for such an alleged injury is far too long.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.).

The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the hearing officer's decision and order.

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

**GEORGE MICHAEL JONES  
9339 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge