

APPEAL NO. 012128
FILED OCTOBER 8, 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 20, 2001. The hearing officer resolved the disputed issues by determining that the appellant's (claimant) _____, compensable injury does not extend to include an injury to both hips, and that she does not have disability resulting from the injury sustained on _____. The claimant appealed both determinations and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant sustained a compensable injury to her low back on _____, when the chair she was attempting to sit in went out from under her. She sought medical treatment the next day. The claimant continued to work until March 13, 2001, when her treating doctor took the claimant off work because of pain. The claimant testified that she has been recommended to undergo a total hip replacement. The claimant contends that her current hip problems are part of the _____, compensable injury.

It is clear from review of the record that the claimant has a history of back and hip problems. Several witnesses testified that they did not notice any difference in the claimant's physical abilities before or after the _____, fall. One of the doctors indicated that repetitive bending and staging after the incident had aggravated her hip. The claimant had the burden of proof to establish that her current hip condition is part of, or was aggravated by, her compensable injury and that she had disability as a result of her compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence presented on the issues of injury and disability. 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).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **REGION XIX/TEEC** and the name and address of its registered agent for service of process is:

**JOHN D. PRINGLE
807 BRAZOS, SUITE 603
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge