

APPEAL NO. 012281
FILED OCTOBER 25, 2001

Following a contested case hearing held on August 29, 2001, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issues by concluding that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability. The claimant has appealed these determinations on evidentiary sufficiency grounds. The respondent (carrier) urges in response that the evidence is sufficient to support the challenged findings.

DECISION

Affirmed.

The claimant testified that she injured her right wrist on _____, when she lifted a baby from a high chair at the child care center where she worked. This testimony was directly contradicted by her prior recorded statement and by the history of injury contained in her medical records. Further, both a coworker and the child care center director testified that the claimant, in discussing her painful wrist on _____, never mentioned a lifting incident at work. The hearing officer found that the claimant's testimony was not persuasive in view of her inconsistent prior statements and determined that she did not sustain the claimed injury nor have disability therefrom. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), including the testimony of the witnesses, and, as the trier of fact, 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)). We are satisfied that the challenged factual findings are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS UNDERWRITING ALLIANCE** and the name and address of its registered agent for service of process is

**DANIEL J. O'BRIEN
12200 FORD ROAD, SUITE 344
DALLAS, TEXAS 75234-7625.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge