

APPEAL NO. 012418
FILED NOVEMBER 27, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on June 27, 2001, the hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that he has had disability from January 8, 2001, through the date of the hearing. The case was remanded for production of certain information pertaining to the appellant (carrier). Texas Workers' Compensation Commission Appeal No. 011649, decided September 4, 2001. No remand hearing was held and the hearing officer took official notice of the record of the previous hearing. The hearing officer issued a new Decision and Order on September 27, 2001, containing the same findings of fact, conclusions of law, decision, and order as stated in the prior Decision and Order. The carrier has again requested our review, asserting the insufficiency of the evidence to support the hearing officer's determinations. The file does not contain a response from the claimant.

DECISION

Affirmed.

The hearing officer did not err in making the appealed determinations. The claimant testified that on _____, while employed as a furniture store deliveryman, he and a coworker were unloading a heavy sofa from a truck, the coworker did not fully support his end, and the claimant felt "electricity" shoot up and down his spine and into his legs. He said he reported the injury to two persons when he returned to the store, finished his shift, and asked for light duty the next day. The claimant further testified that on January 8, 2001, he commenced treatment with Dr. B, who had him off work until April 5, 2001, when he was released for light duty. The claimant said he has not worked since January 8, 2001, except for helping out his father-in-law. The carrier called the company president, Mr. P, who contradicted the claimant's testimony in several particulars.

The hearing officer makes clear in his discussion of the evidence that he found the claimant's testimony credible and persuasive. We disagree with the carrier's contention on appeal that the injury in this case required proof of causation with expert medical evidence. 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 (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). 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. 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 **SECURITY NATIONAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DONALD GENE SOUTHWELL
10000 N. CENTRAL EXPRESSWAY
DALLAS, TX. 75265.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge