

APPEAL NO. 012460  
FILED NOVEMBER 29, 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 September 4, 2001. The hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain a compensable repetitive trauma injury on \_\_\_\_\_, and that she did not have disability. The claimant appealed on sufficiency of the evidence grounds, and there is no response in the file from the respondent (carrier).

DECISION

Affirmed.

The claimant has worked as a waitress for 24 years. She worked for the employer for four years and five months, took some time off to work as a truck driver, and had returned to the employer for two years and two months when she claims she sustained her injuries. The claimant asserts that her current headaches, cervical condition, and upper extremity problems are due to the repetitive nature of her job as a waitress, and that she so informed her employer. The carrier submitted evidence that the claimant did not report to her employer that her injuries were work related, and that the claimant consistently treated her injuries as nonwork-related until her employment was terminated for cause.

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 disputed issues of injury and disability. The hearing officer resolved the conflicts and inconsistencies in the evidence against the claimant and was acting within his role as the 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 **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C.T. CORPORATION SYSTEMS  
350 N. ST. PAUL STREET  
SUITE 2900  
DALLAS, TEXAS 75201.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge