

APPEAL NO. 012572
FILED DECEMBER 3, 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 October 8, 2000. The hearing officer determined that the appellant (claimant) did not sustain a new compensable injury on _____, and did not have disability. The claimant generally appeals all of the adverse determinations. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

COMPENSABLE INJURY

The claimant had the burden to prove that she sustained new damage or harm to her low back on _____, arising out of and in the course and scope of her employment. Texas Workers' Compensation Appeal No. 992486, decided December 29, 1999. There was conflicting evidence presented with regard to this issue. 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 including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer could disbelieve the testimony of the claimant's witnesses and infer from the medical evidence that the claimant did not experience an enhancement, acceleration, or worsening of her preexisting low back condition on _____. The hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

DISABILITY

The 1989 Act requires the existence of a compensable injury as a prerequisite to a finding of disability. Section 401.011(16). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**RB
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge