

APPEAL NO. 012936  
FILED DECEMBER 6, 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 (CCH) was held on October 3, 2001. The hearing officer determined that the appellant (claimant) had not sustained a compensable low back injury on \_\_\_\_\_; that the claimant had not timely reported his injury to the employer and did not have good cause for failing to do so; and that the claimant did not have disability.

The claimant appeals, reiterating his testimony and evidence from the CCH, and asserting that the hearing officer's decision is not supported by the evidence. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a truck driver/delivery person for the food distributor employer. The claimant asserts that he sustained a low back injury on \_\_\_\_\_, taking a two-wheel dolly of meat weighing several hundred pounds up some steps. The claimant continued to work until \_\_\_\_\_. There was conflicting evidence whether the claimant had sustained a low back injury the previous evening, \_\_\_\_\_, while bowling. There was also conflicting evidence as to whom and when the claimant reported this injury.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), 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)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). 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. Cain v. Bain, 709 S.W.2d 175, 176 (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 **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION (TPCIGA)** and the name and address of its registered agent for service of process is

**MARK RIEGLING  
9120 BURNET ROAD  
AUSTIN, TEXAS 78758.**

**FOR RELIANCE NATIONAL INDEMNITY COMPANY, an impaired insurer.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge