

APPEAL NO. 013049  
FILED JANUARY 30, 2002

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 December 28, 2000; April 23, 2001; August 21, 2001; and October 16, 2001. The record closed on November 7, 2001. The hearing officer determined that (1) the appellant (claimant) did not sustain a compensable injury; (2) the claimant did not have disability; (3) the respondent (carrier) is not relieved from liability for this claim because the claimant timely notified her employer of the claimed injury; and (4) the date of injury (DOI) is \_\_\_\_\_. The claimant appeals the injury and disability determinations on sufficiency grounds. The carrier urges affirmance. The hearing officer's notice and DOI determinations were not appealed and are, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in reaching the appealed determinations. The claimant had the burden to prove that she suffered damage or harm to the physical structure of the body occurring as a result of repetitious, physically traumatic activities that occurred over time and arose out of and in the course and scope of her employment. Texas Workers' Compensation Commission Appeal No. 012093, decided October 11, 2001. 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)). In view of the evidence presented, we cannot conclude that the hearing officer's injury determination is 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). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability. Section 401.011(16).

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Michael B. McShane  
Appeals Judge