

APPEAL NO. 013173
FILED FEBRUARY 6, 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 (CCH) was held on November 26, 2001. The hearing officer resolved the disputed issues by determining that the appellant (claimant) is allowed to change his treating doctor; that the compensable injury included a low back contusion; and that the claimant had no disability from _____, through the date of the CCH. The claimant appealed the hearing officer's determination that the injury only extends to the claimant's lumbar area contusion and that he had no disability. The respondent (carrier) responded, urging affirmance. The determination that the claimant is allowed to change his treating doctor has not been appealed and will not be addressed further.

DECISION

Affirmed.

The claimant testified that while working for the employer on _____, he sustained injuries to his head, left arm, and low back when he fell about eight feet; that he returned to work the next working day on light duty; that he continued to work until March 13, 2001, when he voluntarily left his job to visit his sick mother in Mexico; and that when he returned from Mexico he was fired by his employer. The carrier presented evidence to support the assertion that the claimant's injuries did not extend to his back and that the claimant did not have work-related disability.

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 **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 N. ST. PAUL
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Terri Kay Oliver
Appeals Judge