

APPEAL NO. 020025
FILED FEBRUARY 26, 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 10, 2001. The hearing officer determined that (1) the respondent/cross-appellant (claimant) did not sustain a compensable injury on _____; (2) the claimant did not have disability; and (3) the claimed injury did not occur while the claimant was in a state of intoxication, as defined in Section 401.013. The claimant appeals the injury and disability determinations on sufficiency grounds. The appellant/cross-respondent (carrier) filed a conditional cross appeal of the hearing officer's intoxication determination, and urges affirmance of the injury and disability determinations.

DECISION

Affirmed.

The carrier asserts that the claimant's request for review fails to invoke the jurisdiction of the Appeals Panel because it fails to state grounds for review and does not meet the requirements of Section 410.202(c) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(a)(2) (Rule 143.3(a)(2)). No particular form of appeal is required and an appeal, even though terse or inartfully worded, will be considered. Texas Workers' Compensation Commission Appeal No. 91131, decided February 12, 1992; Texas Workers' Compensation Commission Appeal No. 93040, decided March 1, 1993. Generally, an appeal which lacks specificity will be treated as a challenge to the sufficiency of the evidence. Texas Workers' Compensation Commission Appeal No. 92081, decided April 14, 1992. We consider the claimant's appeal to be a minimally sufficient challenge to the sufficiency of the evidence supporting the hearing officer's resolution of the two interrelated issues of injury and disability.

INJURY AND DISABILITY

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____, and did not have disability. At issue was whether the claimant was in the course and scope of his employment or had deviated from his employment at the time of his injuries. This was a question of fact for the hearing officer to resolve. 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 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).

INTOXICATION

The carrier's appeal on this issue is, essentially, conditioned upon the success of the claimant's argument with regard to compensable injury. Accordingly, given our affirmance of the injury determination, we need not address the intoxication determination.

The true corporate name of the carrier is **ATLANTIC MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**NICHOLAS PETERS
12801 NORTH CENTRAL EXPRESSWAY, SUITE 100
DALLAS, TEXAS 75243-1732.**

Edward Vilano
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge