

APPEAL NO. 020037  
FILED FEBRUARY 20, 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 11, 2001. The hearing officer resolved the disputed issues before her by determining that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and that he had disability from May 2, 2001, through the date of the hearing. The appellant (carrier) appealed on sufficiency grounds. The claimant responded, urging affirmance.

DECISION

We affirm.

It is undisputed that the claimant slipped and fell while at work on \_\_\_\_\_. What is in dispute is the severity of the fall and whether or not the claimant was injured as a result. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence presented on the issues of injury and disability. The claimant presented evidence that he fell down a 5 to 6 foot pile of dirt; that he injured his left shoulder, neck, and mid-back as a result of the fall; and that he informed his supervisor that he was injured at the time of the fall. The carrier presented evidence that the claimant did not fall down a 5 to 6 foot pile of dirt; that the fall was not severe; and that the claimant did not inform his supervisor that he was injured at the time of the fall. The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the claimant, specifically stating in her statement of the evidence that she found the claimant to be credible, and she was acting within her role as fact finder in determining that the claimant sustained his burden of proof on both the issue of injury and disability. Nothing in our review of the evidence indicates that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRINITY UNIVERSAL INSURANCE COMPANY OF KANSAS** and the name and address of its registered agent for service of process is

**RONALD HENRY  
10000 NORTH CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75230.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge