

APPEAL NO. 020417  
FILED APRIL 10, 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 February 6, 2002. The hearing officer determined that (1) the respondent (claimant) sustained compensable low back and umbilical hernia injuries on \_\_\_\_\_; and (2) the claimant had disability from \_\_\_\_\_, through the date of the CCH. The appellant (carrier) appeals the injury determination (with regard to the umbilical hernia) as well as the disability determination, on sufficiency grounds. No response was filed by the claimant. The hearing officer's injury determination with regard to the low back was not appealed and is, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable umbilical hernia injury and had disability from \_\_\_\_\_, through the date of the CCH. The determinations involved questions 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 claimant's testimony and medical evidence, the hearing officer could determine, as he did, that the claimant sustained a compensable umbilical hernia on \_\_\_\_\_. Additionally, given the claimant's testimony with regard to his work ability, the hearing officer could find disability for the stated period. To be clear, the claimant was not required to look for work or show that work was not available. Texas Workers' Compensation Commission Appeal No. 941092, decided September 28, 1994. The hearing officer's determinations are not 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).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance 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  
AUSTIN, TEXAS 78701.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge