

APPEAL NO. 020463
FILED MARCH 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 February 5, 2002. The hearing officer resolved the disputed issue by concluding that the respondent (claimant) sustained a compensable injury on _____. The appellant (carrier) argues on appeal that the determination of the hearing officer is against the great weight and preponderance of the evidence. The claimant urges in response that the evidence is sufficient to support the challenged determination.

DECISION

Affirmed.

The claimant testified that she felt a pop in her left shoulder when a box of limes, which was being handed to her, was dropped before she was able to grab hold of it, causing the box to fall onto her left forearm and wrist. An orthopedic surgeon concluded in a record dated December 4, 2001, that the claimant presented with a "sub AC joint impingement, as well as subacromial impingement" which he found consistent with findings on physical examination and mechanism of injury.

The claimant had the burden of proving that she sustained a compensable injury as claimed. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). Whether she did so was a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 93449, decided July 21, 1993. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. He was persuaded by the claimant's evidence that she met her burden of proof and resolved the credibility question in favor of the claimant. In his statement of the evidence, the hearing officer specifically stated that the claimant's testimony was credible and was corroborated by a number of exhibits in evidence. We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we find the evidence sufficient to support the determination of the hearing officer that the claimant sustained a compensable injury. We find no merit in the carrier's assertion that the hearing officer did not adequately review the evidence in this case.

The decision and order of the hearing officer are affirmed.

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

**CORPORATION SERVICE
800 BRAZOS, SUITE. 300, ONE COMMODORE PLAZA
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge