

APPEAL NO. 020524
FILED APRIL 17, 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 12, 2002. The hearing officer resolved the disputed issues before him by determining that the respondent (claimant) sustained a compensable injury on _____, and that he had disability from _____, through the date of the hearing. The appellant (carrier) appealed on sufficiency grounds. There is no response from the claimant in the file.

DECISION

Affirmed.

The claimant testified that he sustained an injury on _____, when he slipped and fell in a stairwell striking his left knee on a step; that he has not yet been released to full duty; that the employer did not have any light-duty work available for him; and that he has not worked since the date of the injury. The claimant's treating doctor testified that he released the claimant to light-duty work; that he has not treated the claimant since December 7, 2001, due to the claimant's inability to pay for treatment; that the claimant was not at maximum medical improvement as of that date; and that he still had the claimant on restricted duty as of the last exam date. The carrier presented testimony and evidence to show that the claimant's injury, if any, did not occur at work as claimed by the claimant.

The hearing officer did not err in deciding that the claimant sustained a compensable injury on _____, and had disability resulting from the compensable injury from _____, through the date of the hearing. The hearing officer determined that the claimant's account of the accident and his injury was credible. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer's injury and disability determinations are not so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to disturb the challenged determinations on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Edward Vilano
Appeals Judge