

APPEAL NO. 020841
FILED MAY 16, 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 March 5, 2002. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not sustain a compensable injury on _____. The claimant appealed the hearing officer's determination on sufficiency of the evidence grounds, contending that he injured his entire spine in the course and scope of his employment. The respondent (carrier) responded, requesting affirmance and contending that the hearing officer's evaluation of the claimant's credibility was supported by the evidence.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____. The claimant testified that he injured his cervical, thoracic, and lumbar spine when he fell from a ladder while performing his job duties as a roofer for the employer. The carrier presented evidence it believed contradicted the claimant's allegations and challenged the claimant on his recitation of the facts surrounding the incident in dispute. The hearing officer found the claimant's testimony not credible and burdened with many inconsistencies. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). Upon our review of the record, we conclude that the hearing officer's determination that the claimant did not sustain a compensable injury on _____, is sufficiently supported by the evidence and 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, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The hearing officer's decision and order are affirmed.

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

**STEPHEN C. CARLIN
13155 NOEL ROAD
900 THREE GALLERIA TOWER
DALLAS, TEXAS 75240.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge