

APPEAL NO. 021052
FILED JUNE 12, 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 commenced on February 7, 2002, and continued and concluded on April 10, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable (knee and back) injury on _____, and had disability from _____, and continuing to the date of the CCH.

The appellant (carrier) appeals, contending that the hearing officer's decision is so manifestly unjust as to "constitute legal error" regarding both the injury and disability issues. The claimant responds, urging affirmance.

DECISION

Affirmed.

Essentially, this case boils down to the question of whether the claimant, a security guard for a car rental company, staged or faked a fall and injury as the carrier contends, or whether the claimant actually fell to her knees after tripping over an electrical conduit. This question is purely a factual determination 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). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the overwhelming weight 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). This is so even though another fact finder might draw other inferences and reach other conclusions. Salazar, et al. v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.). We have also, on numerous occasions, held that the Appeals Panel should not set aside the decision of a hearing officer because the hearing officer may have drawn inferences and conclusions different than those the Appeals Panel deems most reasonable, even though the record contains evidence of inconsistent inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ).

The hearing officer's decision and order on the disputed issues are affirmed.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Roy L. Warren
Appeals Judge