

APPEAL NO. 021348  
FILED JUNE 24, 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 May 15, 2002. The hearing officer determined that (1) the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; (2) the claimant did not have disability; and (3) the respondent (carrier) is not relieved of liability pursuant to Section 409.002. The claimant appeals the injury and disability determinations on sufficiency of the evidence grounds. The claimant further asserts on appeal a negligence cause of action, and requests damages for pain and suffering, mental anguish, lost employment opportunities, and attorney's fees. Additionally, the claimant requests punitive damages, alleging that his employer misinformed the Texas Workforce Commission of his employment status. The claimant attached to his appeal new evidence in support of his request for punitive damages. The carrier urges affirmance. The hearing officer's timely notice determination was not appealed and is, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on \_\_\_\_\_, and did not have disability. The injury determination involved a question 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 evidence presented, we cannot conclude that the hearing officer's injury determination is 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). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability. Section 401.011(16).

As stated above, the claimant asserts on appeal a negligence cause of action, and requests damages for pain and suffering, mental anguish, lost employment opportunities, and attorney fees. The claimant further requests an award of punitive damages, and attached new evidence in support of his request for punitive damages. Not only does the claimant raise these matters for the first time on appeal but his request for relief on these grounds is beyond the jurisdiction of the Texas Workers' Compensation Commission. Accordingly, we do not address these matters on appeal.

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION COMPANY  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Michael B. McShane  
Appeals Judge