

APPEAL NO. 021404
FILED JULY 3, 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 commenced on April 18, 2002, and concluded on May 14, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____, and that the claimant had not given timely notice of the alleged injury to her employer and did not have good cause for failing to do so.

The claimant appealed, asserting that she sustained a back injury while moving files, boxes, and filing cabinets at work on _____, and that she reported her injury to several named members of management. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant was a customer service representative; she alleges a back injury due to moving files at work on _____. The claimant testified that on _____, she told several members of management about her injury, although that is denied by the named managers. The claimant continued to work until terminated on June 15, 2001. The claimant first saw a chiropractor (for this alleged injury) on June 18, 2001. The only narrative report from the doctor is dated September 7, 2001, where the doctor noted "muscle spasm in the neck and the shoulder" with no mention of the back. The claimant had a prior motor vehicle accident.

The evidence was in conflict and capable of different interpretations. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

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

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Roy L. Warren
Appeals Judge