

APPEAL NO. 021405
FILED JULY 15, 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 held on April 11, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury; that the date of the alleged injury was _____; that the respondent (carrier) is not relieved of liability on the basis that the claimant failed to timely report an injury to the employer pursuant to Section 409.001; and that the claimant did not have disability. The claimant appeals most of the findings made by the hearing officer, providing his comments and explaining his disagreement with each finding. The carrier responded to the appeal, urging that the Appeals Panel only consider the evidence admitted at the CCH and affirm the decision and order of the hearing officer.

DECISION

Affirmed.

As a general rule, the Appeals Panel considers only the record developed at the CCH, the request for review, and the response thereto. Section 410.203. The claimant declined to testify at the CCH. To the extent that he has supplemented his request for review with new information which was not admitted at the CCH, we will not consider such new information. We can, and will, consider his arguments interpreting the properly admitted evidence in our evaluation of the correctness of the hearing officer's determinations.

The issues in this case all involved factual determinations for the hearing officer to make, based upon the evidence presented at the CCH. The evidence supports the hearing officer's factual determinations. 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 to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

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

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Michael B. McShane
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Philip F. O'Neill
Appeals Judge