

APPEAL NO. 021415  
FILED JULY 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on May 15, 2002, the hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury in the form of an occupational disease; that the date of injury is \_\_\_\_\_; that the claimant timely notified the employer of a work-related injury; and that the claimant had disability from January 28 through February 2, 2002, and from May 1 through May 12, 2002. The appellant (carrier) has requested our review of these determinations for the sufficiency of the evidence to support them, primarily contending that the date of injury was no later than \_\_\_\_\_, and thus that the claimant failed to timely notify the employer of the injury. The claimant's response urges the sufficiency of the evidence to support the challenged determinations.

DECISION

Affirmed.

The claimant testified that on or about \_\_\_\_\_, he discovered a bulge in the area of his groin where he had felt a pain about one month earlier while pulling carts for the employer and reported this injury to his employer. He stated that at the time he first felt the pain, he thought it was just a pulled muscle and continued to work but that by the time he discovered the bulge, he realized he had sustained a hernia injury. The carrier contended that the claimant knew or should have known by no later than \_\_\_\_\_, that he had sustained a work-related injury and that he failed to timely report the injury.

The disputed issues presented the hearing officer with questions of fact 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 (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). The Appeals Panel, an appellate reviewing tribunal, 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 so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** 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.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge