

APPEAL NO. 021527  
FILED JULY 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 13, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable lower back injury on \_\_\_\_\_, and had disability beginning on \_\_\_\_\_, and continuing through March 8, 2002. The appellant (carrier) appealed, arguing that there is no evidence to support the compensability and disability determinations or, alternatively, that the determinations are against the great weight and preponderance of the evidence. The appeal file did not contain a response from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove by a preponderance of the evidence that she sustained a compensable injury on \_\_\_\_\_, and thereafter had disability and these issues presented the hearing officer with questions of fact to resolve. Conflicting evidence was presented on the disputed issues. The hearing officer was persuaded that the claimant was truthful and credible in the presentation of her claim. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and it is for the hearing officer to resolve such conflicts and inconsistencies in the evidence as were present in this case (Garza v. Commercial Insurance Co. of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). As an appellate-reviewing body, we 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); 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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL  
8144 WALNUT HILL LANE, SUITE 1600  
DALLAS, TEXAS 75231-4813.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge