

APPEAL NO. 021692
FILED AUGUST 20, 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 June 4, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable left knee injury on _____, and that the claimant had disability from July 23, 2001, through June 3, 2002. The appellant (carrier) appealed the disputed issues on a sufficiency of the evidence basis. The file does not contain a response from the claimant.

DECISION

Affirmed

The claimant, a forklift operator, testified that he injured his left knee on a box on _____. Carrier denies a compensable injury and asserts that the claimant injured his knee playing soccer or football on a weekend. The evidence is in conflict and there are inconsistencies throughout. The hearing officer, in his discussion of the evidence, comments in some detail how he reached the conclusions that he did.

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 his province as the fact finder in resolving the conflicts and inconsistencies in the evidence in favor of 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 **AMERICAN SAFETY CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge