

APPEAL NO. 021885
FILED SEPTEMBER 9, 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 3, 2002. The hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability. On appeal, the claimant contends that these determinations are against the great weight and preponderance of the evidence, are not supported by legally sufficient evidence, and result from an incorrect interpretation and application of the applicable law. The appeal file contains no response from the respondent (carrier).

DECISION

We affirm the hearing officer's decision.

The hearing officer's Decision and Order contains a comprehensive summary of the evidence. The hearing officer did not err in her resolution of the disputed issues in this case. Whether the claimant sustained a compensable injury and had disability involved questions of fact for the hearing officer 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, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant urges that the hearing officer's decision and order is void because she did not determine if the injury in question aggravated a prior injury. Although the hearing officer made reference to prior "problems" and "complaints," she did not find that there was a prior injury. Consequently, the hearing officer was not obligated to address the question of whether the injury in question aggravated a prior injury.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **COMMERCE AND INDUSTRY INSURANCE 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.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica Lopez
Appeals Judge