

APPEAL NO. 021941
FILED SEPTEMBER 17, 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 June 25, 2002, with the record closing on July 2, 2002, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of a repetitive trauma injury; that the date of the claimed occupational disease injury is _____; that the respondent (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001; and that because there is no compensable injury, the claimant did not have disability. The claimant appeals these determinations on evidentiary sufficiency grounds, essentially rearguing the evidence favorable to her contentions. The carrier's response urges the sufficiency of the evidence to support the challenged findings and conclusions.

DECISION

Affirmed.

The hearing officer did not err in making the challenged factual determinations. 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 hearing officer makes clear in his discussion of the evidence that he found the claimant's testimony neither credible nor persuasive. 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

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

**WILLIAM PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TX 75231.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge