

APPEAL NO. 022090  
FILED SEPTEMBER 24, 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 July 18, 2002, with the record closing on July 22, 2002, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that because he did not sustain a compensable injury, he did not have disability; and that the \_\_\_\_\_, injury does not extend to include a right elbow fracture, a right partial rupture of the tricep tendon, and/or right carpal tunnel syndrome. The claimant has filed an appeal of these determinations on evidentiary grounds. The respondent (carrier) urges in its response that the evidence is sufficient to support the challenged factual determinations.

DECISION

Affirmed.

The claimant testified that on \_\_\_\_\_, he injured his right elbow while pulling on a heavy board at work. His supervisor testified that he did not complete an accident report on the claimed elbow injury because when the claimant told him about his elbow pain several days after the claimed injury date, he stated that he had been engaged in arm wrestling at a bar and because he, the supervisor, knew the elbow had not been injured at work. The statement of a coworker also stated that the claimant had said he had been arm wrestling at a bar. 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 credibility of the testimony of the claimant and his supervisor was for the hearing officer to determine. 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 **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Margaret L. Turner  
Appeals Judge