

APPEAL NO. 022108
FILED SEPTEMBER 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 (CCH) was held on July 10, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease with a date of injury of _____, as opposed to an ordinary disease of life, and that since there is no compensable injury there can be no resultant disability. The claimant appealed the hearing officer's determinations on sufficiency grounds and the respondent (carrier) responded, seeking affirmance.

DECISION

Affirmed.

The claimant had the burden to prove by a preponderance of the evidence that he sustained an occupational disease injury. At the CCH, the claimant contended that his conditions of immune system dysfunction, liver dysfunction, chemical sensitivity, mold sensitivity, immune deregulation, fibromyalgia, and chronic fatigue were caused by or aggravated by exposure in the office building where he worked. The definition of occupational disease excludes an ordinary disease of life to which the public is exposed outside of employment. Section 401.011(34). The Appeals Panel has also required that the necessary proof of causation be established to a reasonable medical probability by expert evidence in cases such as the one we here consider where the subject matter is so complex that a fact finder lacks the ability from common knowledge to find a causal connection. Texas Workers' Compensation Commission Appeal No. 93774, decided October 15, 1993; Texas Workers' Compensation Commission Appeal No. 94815, decided August 4, 1994. See *also Hernandez v. Texas Employers Insurance Association*, 783 S.W.2d 250 (Tex. App.-Corpus Christi 1989, no writ).

Whether the claimant sustained the occupational disease injuries he alleged was a question 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, is to resolve 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). As an appellate-reviewing body, we will not disturb the challenged 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 **TWIN CITY FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Margaret L. Turner
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge