

APPEAL NO. 022153
FILED OCTOBER 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 August 12, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____, "or any other date" and that the claimant did not have disability.

The claimant appeals, contending that she sustained a compensable neck injury "lifting chairs" above her head and that she has disability. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant, a "cleaner" (custodian), testified that she sustained a neck injury moving and lifting some chairs on _____. There was some conflicting evidence, particularly on dates, and the hearing officer comments on some of the contradictions in his detailed summary of the evidence. The hearing officer commented that he found the claimant "neither credible nor truthful."

The questions presented involved factual determinations 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). 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 against 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 **SECURITY NATIONAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY A. LANGLEY
10000 NORTH CENTRAL EXPRESSWAY
DALLAS, TEXAS 75231**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge