

APPEAL NO. 022205  
FILED OCTOBER 4, 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 7, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on \_\_\_\_\_; that the claimant did not have disability; and that the injury does not extend to or include certain lumbar spine MRI findings.

The claimant appealed, asserting that the two doctors agreed that the claimant had sustained an injury in the course and scope of her employment and that the hearing officer's decision was against the great weight and preponderance of the evidence. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant testified that she had been employed as a sewing machine operator for 19 years, and that on \_\_\_\_\_, she had to get on and off her stool (described as similar to a bar stool) numerous times to check her material because her machine was not working properly. There was conflicting testimony and evidence recited in the medical histories whether the claimant was asserting a specific low back injury when she "jumped off" the stool or a repetitive trauma injury "as a result of chronic repetitive work activities" of sitting, standing, and walking. The hearing officer noted the inconsistencies and determined that based on the "credible and consistent evidence," the claimant had failed to prove "a causal relationship between the MRI findings" and the alleged injury. The hearing officer found that because the claimant had not sustained a compensable injury, the claimant did not have disability.

The disputed issues 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). 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 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 **ACE USA/OR** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN  
CLAIMS VICE PRESIDENT  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200  
IRVING, TEXAS 75063.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Margaret L. Turner  
Appeals Judge