APPEAL NO. 022555
FILED NOVEMBER 5, 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 21, 2002. The hearing officer resolved the disputed issues by deciding that the claimed injury arose out of voluntary participation in an off-duty recreational, social, or athletic activity not constituting part of the appellant's (claimant) work-related duties, thereby relieving the respondent (carrier) of liability for compensation; and that the claimant did not sustain a compensable injury on _____. The claimant appealed the determinations on sufficiency of the evidence grounds. The carrier responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that she was injured during a bowling activity which was part of a workshop she attended. The claimant argues that the workshop she attended was part of her professional development and that this would qualify for a part of the 80 hours of college service hours she was required to have per semester. The hearing officer specifically found that the bowling activity was an optional, social event and that the claimant's participation in the bowling event was not expressly or impliedly required by the employer.

A compensable injury is defined as an "injury that arises out of and in the course and scope of employment for which compensation is payable . . . ." Section 401.011(10). An insurance carrier is not liable for compensation if the injury "arose out of voluntary participation in an off-duty recreational, social, or athletic activity that did not constitute part of the employee's work-related duties, unless the activity is a reasonable expectancy of or is expressly or impliedly required by the employment. . . . " Section 406.032(1)(D).

The Appeals Panel has recognized that whether or not an injured employee's participation in an off-duty recreational, social, or athletic activity is a reasonable expectancy of the employment is a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 941269, decided November 8, 1994. Further, the hearing officer is the sole judge of the weight and credibility of the evidence Section 410.165(a)); the fact finder 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)); and the Appeals Panel does not disturb appealed fact findings of a hearing officer unless they are against the great weight and preponderance of the evidence 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 (**a self-insured governmental entity)** and the name and address of its registered agent for service of process is

PRESIDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Elaine M. Chaney
Appeals Judge

_____
Thomas A. Knapp
Appeals Judge