

APPEAL NO. 022591
FILED NOVEMBER 19, 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 June 4 and June 7, 2002. The hearing officer determined that the appellant (claimant) sustained a compensable injury in the course and scope of his employment on _____, in the form of abrasions to the back and a contusion of the coccyx, and that the claimant did not have disability as a result of the injury. Both the appellant and the respondent (carrier) appealed. The case was remanded to the hearing officer by our decision in Texas Workers' Compensation Commission Appeal No. 021722, decided August 14, 2002, because information which met the test for newly discovered evidence was submitted with the claimant's appeal. A hearing on remand was held on September 5, 2002, with the same hearing officer presiding. The hearing officer took further evidence in the form of claimant and carrier exhibits and testimony from the claimant. The hearing officer determined that the compensable injury was a scrape and was not of a nature to cause either the MRI findings or disability, and concluded that the claimant has not suffered disability as a result of the claimed injury. The claimant appeals on evidentiary sufficiency grounds. The carrier responds, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The 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)) and, as the trier of fact, resolves 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)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

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

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge