

APPEAL NO. 022653  
FILED DECEMBER 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 October 9, 2002. With respect to the issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and that he had disability from April 25, 2002, through the date of the hearing. In its appeal, the appellant (carrier) argues that those determinations are against the great weight of the evidence. The appeal file does not contain a response to the carrier's appeal from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on \_\_\_\_\_, and that he had disability from April 25, 2002, through the date of the hearing. The injury and disability issues presented 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 trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). We find no merit in the carrier's assertion that the hearing officer did not consider its evidence simply because she did not mention it in her discussion. The hearing officer listed the carrier's witnesses and its evidence in her decision and noted that even though all of the evidence was not discussed it was considered. Accordingly, we believe that the hearing officer considered the carrier's evidence and simply decided to accept the evidence from the claimant over the contrary evidence presented by the carrier, tending to demonstrate that the claimant injured his back away from work. The hearing officer was acting within her province as the fact finder in so doing. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the injury and disability determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge