

APPEAL NO. 022762
FILED NOVEMBER 6, 2002

This case returns following our remand in Texas Workers' Compensation Commission Appeal No. 020923, decided June 3, 2002. A hearing on remand was held on August 28, 2002, with (hearing officer) presiding as the hearing officer to provide the appellant (carrier) an opportunity to respond to accusations made in the affidavit of the respondent's (claimant) husband. Following the hearing on remand, the hearing officer determined that no improper conversation about the subject matter of the dispute took place between the witnesses for the carrier; that the claimant sustained a compensable injury on _____; and that the claimant had disability from December 6, 2001, to March 26, 2002. In its appeal, the carrier argues that the hearing officer's injury and disability determinations are against the great weight of the evidence. In her response to the carrier's appeal, the claimant urges affirmance. The claimant did not appeal the determination that there was no improper conversation between the witnesses for the carrier.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury, and that she had disability from December 6, 2001, to March 26, 2002. There was conflicting evidence on the injury and disability issues. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the claimant and he was acting within his 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 disturb those 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 **AMERICAN CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge