

APPEAL NO. 022918
FILED JANUARY 2, 2003

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 15, 2002, and concluded on October 24, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____, and therefore did not have disability.

The claimant appeals on evidentiary sufficiency grounds. The file does not have a response from the respondent (self-insured).

DECISION

Affirmed.

The claimant was employed by the self-insured in an administrative position. The claimant testified that on _____, a coworker was upset with her and pushed on a bookcase striking the claimant and that she injured her right shoulder, right wrist, and right foot in that incident. The circumstances and evidence surrounding that incident are in conflict and disputed. The hearing officer, in her Statement of the Evidence, commented:

The Claimant's testimony did not appear credible given the circumstances surrounding the alleged incident and the diagnoses in the medical records appear to be based only on the Claimant's subjective complaints of pain and weakness as opposed to actual damage or harm resulting from the claimed injury.

With the evidence in conflict, questions of whether the claimant sustained a compensable injury and whether she had disability 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 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 her province as the 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 and preponderance 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**RR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge