

APPEAL NO. 022964  
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 October 30, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on \_\_\_\_\_, and that because he did not have a compensable injury, he did not have disability.

The claimant appealed, contending that the evidence supported his contentions. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The testimony and medical evidence established, and the hearing officer found, that the claimant had a long history of low back problems, including two prior workers' compensation claims. The claimant, a truck driver, alleges a new current injury lifting the top or cover of a storage area in the company truck. As the hearing officer notes, the claimant's testimony was in conflict with some of the medical records. The hearing officer found the claimant's credibility "seriously lacking."

The questions of whether the claimant sustained a compensable injury and 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 his 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 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 **UNITED STATES FIDELITY & GUARANTY 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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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Susan M. Kelley  
Appeals Judge