

APPEAL NO. 023150  
FILED FEBRUARY 5, 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 (CCH) was held on November 13, 2002. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and thus had no resulting disability. In addition, the hearing officer resolved that the respondent (carrier) tendered a bona fide offer of employment (BFOE) to the claimant. The claimant appealed on sufficiency of the evidence grounds, and the carrier responded, urging affirmance.

DECISION

Affirmed.

The claimant alleged that he sustained a compensable low back injury while lifting and moving boxes at work. He also testified that he had disability as a result of this injury beginning August 22, 2002, and continuing through the date of the CCH. While the hearing officer believed that the claimant had proven that he had a low back injury and could not obtain and retain employment at his preinjury wage because of that injury, the hearing officer determined that the injury was not sustained at work.

The hearing officer found that the employer presented the claimant with a BFOE on August 27, 2002, in full compliance with the provisions of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE. § 129.6 (Rule 129.6). However, given the fact that we are affirming that there is no compensable injury, the issues of disability, bona fide offer, and whether the claimant is entitled to temporary income benefits are moot.

The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not 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); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

We have reviewed the complained-of determinations and our review of the record does not indicate that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, supra.

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL**  
**9330 LBJ FREEWAY, SUITE 1200**  
**DALLAS, TEXAS 75243.**

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Terri Kay Oliver  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge