

APPEAL NO. 023186  
FILED JANUARY 21, 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 October 30, 2002. The hearing officer determined that the claimant sustained a compensable (left) shoulder injury on \_\_\_\_\_, and that the claimant had disability from \_\_\_\_\_, through the date of the CCH.

The carrier appeals, basically on sufficiency of the evidence grounds pointing to inconsistencies and contradictions in the evidence. The claimant responds, citing evidence in his favor and urges affirmance.

DECISION

Affirmed.

The claimant, a floor hand on a drilling rig, testified that he sustained injuries to his chest and left arm/shoulder when some "tongs" struck him "on the chest and under the [left] armpit." A transcribed statement of a coworker supports the claimant's testimony. Testimony of the driller and other evidence contradicts the claimant's testimony.

The evidence was clearly in conflict. The carrier argues that the claimant's evidence is not credible. However, it is the hearing officer, not the Appeals Panel, that is the sole judge of the weight and credibility that is given to the evidence. Section 410.165(a). Questions of whether the claimant sustained an injury and had disability presented questions of fact for the hearing officer to resolve. 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 in favor of 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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Roy L. Warren  
Appeals Judge