

APPEAL NO. 023222
FILED FEBRUARY 6, 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 25, 2002. With respect to the issues before her, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and thus had no resulting disability. The claimant appealed on sufficiency of the evidence grounds, and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____. The claimant alleged that she sustained a compensable cervical spine injury when she slipped and fell at work on that date. She also testified that she had disability as a result of this injury beginning December 28, 2001, and continuing through January 6, 2002, and again from April 14, 2002, and continuing through the date of the CCH. The hearing officer did not believe the claimant's accounting of the alleged events on the claimed date of injury; in short, the hearing officer did not find the claimant a credible witness, and decided that the claimant did not slip and fall and sustain an injury on _____.

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 only substitute our judgment for that of the hearing officer when the determination is 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 do not find so here.

The hearing officer determined, and we likewise affirm, that the claimant did not have disability because she did not have a compensable injury. The hearing officer found that if the claimant had an inability to obtain and retain employment at her preinjury wage for the time periods alleged, it was "not because of a claimed 12-26-01 work related injury." See Section 401.011(16).

The hearing officer's decision and order is 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

**ROBERT PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231-4813.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge