

APPEAL NO. 023259  
FILED FEBRUARY 18, 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 December 5, 2002. Resolving the disputed issues before him, the hearing officer decided that the respondent (claimant) sustained a compensable injury to her cervical and lumbar spine on \_\_\_\_\_, and had resulting disability from April 23 through September 2, 2002. The appellant (carrier) challenged the hearing officer's decision on sufficiency of the evidence grounds, and the claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in concluding that the claimant sustained a compensable injury on \_\_\_\_\_. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). Here, the hearing officer found the claimant's account of her incident credible and supported by the medical evidence in the record. When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Based upon our review of the record, we find no error in the hearing officer's determination.

The hearing officer did not err in determining that the claimant was unable to obtain and retain employment at her preinjury wage from April 23 through September 2, 2002, as a result of her compensable injury. See Section 401.011(16). The medical records, including the work-status reports and the claimant's testimony, support the hearing officer's finding this period of disability.

The decision and order of the hearing officer are 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

**BARRY E. CROMBAR II**  
**12222 MERIT DRIVE, SUITE 700**  
**DALLAS, TEXAS 75251.**

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Terri Kay Oliver  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Edward Vilano  
Appeals Judge