

APPEAL NO. 030093
FILED FEBRUARY 21, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on December 9, 2002. With regard to (Docket No. 1), the hearing officer determined that (1) the appellant (claimant) did not sustain a compensable injury on (date of injury for Docket No. 1); (2) the respondent (carrier) is relieved from liability under Section 409.002 because of the claimant's failure to timely notify the employer of the claimed injury pursuant to Section 409.001; and (3) the issue of election of remedies was improvidently certified and not in dispute. With regard to (Docket No. 2), the hearing officer determined that (1) the claimant did not sustain a compensable injury on (date of injury for Docket No. 2); (2) the carrier is relieved from liability under Section 409.002 because of the claimant's failure to timely notify the employer of the claimed injury pursuant to Section 409.001; (3) the claimant did not have disability; and (4) the issue of election of remedies was improvidently certified and not in dispute. The claimant appeals each of the hearing officer's injury, notice, and disability determinations on sufficiency of the evidence grounds. The carrier urges affirmance. The hearing officer's election-of-remedies determinations were not appealed and are, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The determinations involved 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude 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 v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

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

**ROBERT RAMSOVER
EMPLOYERS GENERAL INSURANCE COMPANY
1601 ELM STREET, SUITE 1600
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Roy L. Warren
Appeals Judge