

APPEAL NO. 030110
FILED MARCH 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 was held on December 10, 2002. The hearing officer determined that (1) the respondent (claimant) sustained a compensable injury on _____, and had disability from July 2, 2002, through the date of the hearing. The appellant (carrier) appeals these determinations on sufficiency of the evidence grounds, and asserts that the claimed injury is not compensable as a matter of law. The claimant did not file a response.

DECISION

Affirmed.

The hearing officer did not err in making 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).

As stated above, the carrier argues that the hearing officer misapplied the law in determining that the claimed injury is compensable. The carrier cited Texas Workers' Compensation Commission Appeal No. 972235, decided December 17, 1997, and similar cases, in support of its assertion. We cannot agree that those cases necessitate a reversal in this instance. Initially, we note that the facts in this case are distinguishable from those in Appeal No. 972235, in that the claimant was carrying tools for his employer at the time of his injury. Accordingly, the cited cases are not controlling here. We further note that in Texas Workers' Compensation Commission Appeal No. 990252, decided March 25, 1999, the continuing viability of Appeal No. 972235 was called into question. See *also*, Texas Workers' Compensation Commission Appeal No. 012376-s, decided November 14, 2001 (rejecting the principle argued by the carrier herein).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS CASUALTY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Roy L. Warren
Appeals Judge