

APPEAL NO. 030196
FILED MARCH 12, 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 20, 2002. With respect to the issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that the appellant (carrier) is not relieved from liability under Section 409.002 because the claimant timely reported his injury to his employer. In its appeal, the carrier argues that the hearing officer's injury and notice determinations are against the great weight of the evidence. The appeal file does not contain a response to the carrier's appeal from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____. That issue presented a question 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). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence on the issue of whether the claimant sustained an incarcerated umbilical hernia as a result of lifting sheet metal at work. It was a matter for the hearing officer, as the fact finder, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

There is likewise conflicting evidence on the issue of whether the claimant timely reported his injury to his employer. The hearing officer, as the fact finder, was charged with the responsibility of assessing the weight and credibility of the evidence before her. She resolved the conflicts and inconsistencies in the evidence in favor of the claimant and she was acting within her role as the fact finder in so doing. Our review of the record does not demonstrate that the hearing officer's notice determination is so against the great weight of the evidence as to compel its reversal on appeal. Cain, *supra*.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

JIM MALLOY
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DALLAS, TEXAS 75231.

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge