

APPEAL NO. 030277  
FILED MARCH 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 (CCH) was held on January 8, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and had disability from August 7, 2002, through the date of the CCH. The appellant (carrier) appealed, arguing that the determinations of the hearing officer were against the great weight and preponderance of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant was employed as an electrician helper. The claimant testified that on \_\_\_\_\_, when he was working in a ditch covering pipe he slipped and fell while climbing out of the ditch to get a drink of water. The claimant's testimony was in conflict with written statements given by others in the crew indicating that nothing happened on the date at issue. The medical records reflect that the claimant sought medical treatment on the afternoon of \_\_\_\_\_, and that he fractured his left forearm and a metal plate that was in his arm from a prior injury. The claimant had surgery on his left arm on August 20, 2002.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). The issues of injury and disability involve questions of fact for the hearing officer to resolve. The evidence before the hearing officer was conflicting. 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)). Nothing in our review of the record demonstrated that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

**DONALD GENE SOUTHWELL  
10000 NORTH CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75265.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Roy L. Warren  
Appeals Judge