

APPEAL NO. 030312
FILED MARCH 20, 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 January 16, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability.

The claimant appeals, principally on a sufficiency of the evidence basis, pointing to what she perceived were inconsistencies in the hearing officer's Statement of the Evidence and contending that the hearing officer did not properly weigh the evidence "due to a focus on conflicting testimony." The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

Much of what transpired around the alleged date of injury is disputed. It is undisputed that the claimant was hired on May 1, 2000; that she sustained a work-related foot injury (not at issue here) on (date of injury not at issue); that the claimant returned to work around the latter part of September 2000; that the claimant was involved in a nonwork-related motor vehicle accident on September 28, 2000; and that the claimant returned to work on or about November 28, 2000. The claimant testified that she sustained another work-related injury on _____, hooking up a heavy baggage cart. The claimant testified that she did not report the injury on that day or the next day, because she was afraid that she would lose her job. What happened on December 3, 2000, is in dispute, as is whether the claimant reported an injury before or after her employment was terminated on December 6, 2000. The claimant is alleging disability since December 6, 2000.

As indicated previously, much if not most of the evidence relating to what happened on and after December 3, 2000, is in conflict. The claimant contends that the hearing officer failed to believe her because he focused on conflicting evidence. However, questions of whether the claimant sustained an injury as alleged and had disability presented 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). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex.

1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Terri Kay Oliver
Appeals Judge

Robert W. Potts
Appeals Judge