

APPEAL NO. 030356  
FILED APRIL 3, 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 10, 2003. With respect to the disputed issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury to his low back on \_\_\_\_\_, and thus did not have disability as a result of the alleged injury. The claimant appeals on sufficiency of the evidence grounds. The respondent (carrier) responds, urging that the hearing officer be affirmed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on \_\_\_\_\_, and thus had no disability as a result of the alleged injury. The claimant testified that he injured his low back while moving a large truck tire from a bay door onto a stack for the employer. The claimant further contends that he had disability from March 15, 2002, through the date of the CCH, January 10, 2003. The carrier argued that the evidence did not support that an injury had occurred at work, if at all, and that the claimant had preexisting back problems. The medical evidence was equivocal. Under the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer wrote that the claimant was "neither credible nor truthful." The hearing officer was acting within his province as the fact finder in resolving the evidence in favor of the carrier and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is 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

**PRENTICE-HALL CORPORATION SYSTEM, INC.  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Terri Kay Oliver  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge