

APPEAL NO. 030644  
FILED APRIL 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) on remand was held on February 12, 2003. In Texas Workers' Compensation Commission Appeal No. 022587, decided November 20, 2002, the Appeals Panel remanded the case for reconstruction of the record because the audiotapes were inaudible. The hearing officer did so, summarizing her notes and receiving additional testimony from the claimant. The hearing officer determined that the claimant had not sustained a compensable injury "on or about \_\_\_\_\_," and that he did not have disability.

The claimant appealed on sufficiency of the evidence grounds referencing favorable evidence. The carrier responded, urging affirmance.

DECISION

Affirmed.

The hearing officer in this proceeding added as hearing officer's exhibits the decision and order of the CCH conducted on September 10, 2002, and Appeal No. 022587, *supra*.

The claimant, a laborer, testified that he injured his low back and shoulder on \_\_\_\_\_, while lifting a large steel form with the help of a coworker. The claimant testified that he reported the injury the same day and subsequently on \_\_\_\_\_, was laid off. It is undisputed that the claimant received two checks, one for the work he had performed and the other for work the week of the alleged injury. The claimant first sought medical attention on June 11, 2002. The hearing officer noted some discrepancies between the claimant's account and the histories recorded by the doctors. In her prior decision the hearing officer had commented that the witnesses who testified were not "particularly believable."

This case turns on the credibility of the evidence. Whether the claimant sustained a compensable injury and had disability were factual questions 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 in the evidence and determines what facts have been established. Nothing in our review of the record indicates that the hearing officer's decision is 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).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **BITUMINOUS CASUALTY CORPORATION** and the name and address of its registered agent for service of process is

**GLENN CAMERON  
222 WEST LAS COLINAS BOULEVARD, SUITE 1720  
IRVING, TEXAS 75016-7968.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Margaret L. Turner  
Appeals Judge