

APPEAL NO. 030769
FILED MAY 15, 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 decided that the appellant (claimant herein) did not sustain a compensable injury on _____; that horseplay by the claimant was not a producing cause of the claimed injury; and that the claimant did not have disability. The claimant appeals the hearing officer's injury and disability determinations on sufficiency grounds. The respondent (carrier herein) replies that the hearing officer's decision was sufficiently supported by the evidence. Neither party appeals the hearing officer's resolution of the horseplay issue.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

Injury and disability are 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). The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the carrier and she was acting within her role as the fact finder in determining that the claimant did not sustain her burden to prove that she sustained a compensable injury in the course and scope of her employment. Without a compensable injury, the claimant could not have disability as defined by Section 401.011(16). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge