

APPEAL NO. 030772  
FILED MAY 12, 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 February 19, 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 disputing the hearing officer's interpretation of the medical evidence citing evidence that he believes supports his position. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant, a chickenfarm worker, testified that at about 10:00 or 10:30 a.m. on \_\_\_\_\_, he jumped up to grab an overhead cable holding a curtain, and that when he landed, his "stomach" began to hurt. Whether the claimant had abdominal pain earlier that morning and whether he ate breakfast or not is in dispute. The employer took the claimant to see several doctors and the hearing officer sets out her interpretation of the medical records in some detail in the Statement of the Evidence portion of her decision. The hearing officer cites some of the inconsistencies and contradictions between the records and between other medical records and the claimant's testimony. Clearly the medical evidence was in conflict.

The testimony and medical evidence were in conflict in regard to the disputed issues and the evidence was sufficient to support the determinations of the hearing officer. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. The claimant is basically asking us to substitute our opinion regarding the medical evidence for that of the hearing officer, which we decline to do. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

In that we are affirming the hearing officer's determination that the claimant did not sustain a compensable injury, the claimant cannot, by definition in Section 401.011(16), have disability.

The hearing officer's decision and order are 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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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Veronica Lopez  
Appeals Judge