

APPEAL NO. 031106  
FILED JUNE 23, 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 April 15, 2003. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on \_\_\_\_\_, and did not have disability.

The claimant appealed on a sufficiency of the evidence basis asserting that certain medical reports "proved" that he was injured as he alleged. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant, a tree trimming foreman trainee, alleges a low back injury on \_\_\_\_\_, when he threw a log over a fence. The claimant testified that while he felt or heard a "pop" at the time, he did not have pain then. Much, if not most, of the CCH dealt with reporting the injury which was not an issue (the employer's policy was to immediately report all injuries and the claimant did not report his alleged injury until some days later, but well within the 30 days provided by Section 409.001). The hearing officer summarizes the evidence in some detail in her Statement of the Evidence and gives the rationale for her decision.

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 hearing officer is not bound by medical evidence which is dependent on the history given by the claimant. Rowland v. Standard Fire Insurance Company, 489 S.W.2d 151 (Tex. Civ. App.-Houston [14th Dist.] 1972, writ ref'd n.r.e.). 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 unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Margaret L. Turner  
Appeals Judge