

FILED

JUN 18 2003

**DIRECTOR
DIVISION OF HEARINGS
TEXAS WORKERS'
COMPENSATION COMMISSION**

APPEAL NO. 031124

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 April 1, 2003, in _____, Texas, with _____ presiding as hearing officer. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable injury on _____ (2) the claimed injury did not include amputation of the big and second toes of the left foot; (3) because the claimant did not sustain a compensable injury, he did not have disability; and (4) the respondent (carrier) is not relieved from liability for the claimed injury under Section 409.002 because the claimant timely notified his employer of an injury pursuant to Section 409.001. The claimant appealed the injury, extent-of-injury, and disability determinations on sufficiency of the evidence grounds. The carrier urges affirmance. The hearing officer's notice determination was not appealed and is, therefore, final. Section 410.169.

DECISION

Affirmed.

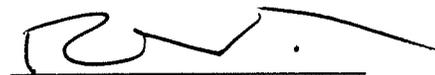
The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the

evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

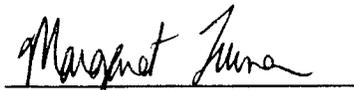


Edward Vilano
Appeals Judge

CONCUR:



Thomas A. Knapp
Appeals Judge



Margaret L. Turner
Appeals Judge