

APPEAL NO. 031250  
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 was held on April 16, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and had disability from October 14, 2002, continuing through the date of the hearing. The appellant (carrier) appealed on sufficiency of the evidence grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that he was employed as a pipefitter helper, and that he sustained an injury to his low back while lifting at work on \_\_\_\_\_. The claimant further testified that he currently would be unable to perform the physical demands of that job due to the continuing effects of the injury. A medical record from the claimant's doctor indicates that he was taken off work on October 14, 2002, due to the claimed injury. No records reflect that the claimant has been returned to work since that time. The carrier presented evidence to support its position that the claimant did not sustain a compensable injury, and even if he had, the injury would have resolved in a relatively short period of time. The carrier further points out the absence of any medical records after November of 2002 to support its position regarding the disability issue.

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 carrier is basically asking us to substitute our opinion regarding the credibility of the evidence presented 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).

The hearing officer's decision and order are affirmed.

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

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

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge