

APPEAL NO. 031407  
FILED JULY 21, 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 20, 2003. The hearing was continued and the record closed on April 23, 2003. With regard to (Docket No. 1), the hearing officer decided that the compensable injury of (date of injury for Docket No. 1), does not extend to and include the appellant's (claimant) current complaints related to his thoracic and lumbar spine. With regard to (Docket No. 2), the hearing officer determined that the claimant did not sustain a compensable injury on (date of injury for Docket No. 2); and that the claimant did not have disability. The claimant appeals the determinations that he did not sustain a compensable injury on (date of injury for Docket No. 2), or have disability from that injury. In its response, respondent 1, American Casualty Company of Reading, Pennsylvania (carrier 1), urges affirmance. The appeal file does not contain a response from respondent 2, Texas Mutual Insurance Company (carrier 2). The hearing officer's determination that the compensable injury of (date of injury for Docket No. 1), does not extend to and include the claimant's current lumbar and thoracic spine complaints has not been appealed and is final pursuant to Section 410.169.

DECISION

Affirmed.

The claimant had the burden to prove that he was injured in the course and scope of employment and that he has had disability. Conflicting evidence was presented at the hearing. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). The finder of fact may believe that the claimant has an injury, but disbelieve that the injury occurred at work as claimed. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). A fact finder is not bound by medical evidence where the credibility of that evidence is manifestly dependent upon the credibility of the information imparted to the doctor by the claimant. Rowland v. Standard Fire Ins. Co., 489 S.W.2d 151 (Tex. Civ. App.-Houston [14th Dist.] 1972, writ ref'd n.r.e.). Nothing in our review of the record reveals that the hearing officer's injury and disability determinations are so contrary to the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to disturb the challenged determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of insurance carrier 1 is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

The true corporate name of insurance carrier 2 is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Veronica Lopez-Ruberto  
Appeals Judge

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Margaret L. Turner  
Appeals Judge