

APPEAL NO. 031722  
FILED AUGUST 18, 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 commenced on April 22, 2003, and concluded on June 18, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable (cervical and lumbar spine) injury on \_\_\_\_\_, and that the appellant (carrier) is not relieved of liability pursuant to Section 409.002 because the claimant had timely reported his injury.

The carrier appeals, basically arguing that its witnesses were more credible than the claimant. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant testified that he jumped off a truck bed, landed on his heels and injured his cervical and lumbar spine on \_\_\_\_\_. The claimant initially trivialized his injury. The claimant said that after seeing his doctor he reported the injury to his supervisor, LN, on September 30, 2002. LN testified that the claimant never reported a work-related injury although he did agree that the claimant told him at the end of September 2002 that "he felt bad."

The questions of whether the claimant sustained a compensable injury, and whether he timely reported his injury, presented 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). The hearing officer could believe all, part or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **EAGLE PACIFIC INSURANCE 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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Judy L. S. Barnes  
Appeals Judge

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Robert W. Potts  
Appeals Judge