

APPEAL NO. 032324
FILED OCTOBER 20, 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 August 6, 2003. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable injury on or about _____; (2) the claimant did not have disability; and (3) the respondent (carrier) is relieved from liability under Section 409.002 because the claimant failed to timely notify his employer of an injury pursuant to Section 409.001. The claimant appeals these determinations on sufficiency of the evidence grounds. The carrier responds, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The injury and notice 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)). The hearing officer considered the evidence and determined that the claimant did not sustain an injury at work on or about _____, and did not give notice of the claimed injury within 30 days after the alleged date of injury, and no good cause for said failure was shown. 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). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that he did not have disability. Section 401.011(16).

We affirm the hearing officer's decision and order.

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:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge