

APPEAL NO. 032345  
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 13, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of an occupational disease in his right shoulder; that the date of injury is \_\_\_\_\_; that the claimant had disability from April 3 through May 11, 2003; and that the appellant (self-insured) is not relieved from liability under Section 409.002 because the claimant timely notified the employer of the injury pursuant to Section 409.001. The self-insured appeals on sufficiency of the evidence grounds, making essentially the same arguments it made at the hearing. The claimant responds, urging affirmance.

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).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MA  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Michael B. McShane  
Appeals Panel  
Manager/Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge