

APPEAL NO. 032578
FILED NOVEMBER 14, 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 September 18, 2003. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury, and that because there is no compensable injury, there can be no disability. The claimant appealed the determinations on a sufficiency of the evidence basis. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The claimant was employed as a driver/distributor. The claimant testified that on _____, he was assigned to route 24, and when he was bending over to lift a case of beer, he felt a pop in his back. The employer records indicate that the claimant was assigned to route 7 and was not unloading a product at the time and place the claimant claims to have felt the pop in his back. The claimant testified that he reported his injury to his employer on March 24, 2003, and was terminated for doing so. There is evidence that indicates that the claimant was unhappy with his reassigned route, and walked off the job on March 22, 2003, and was terminated for doing so. The claimant testified that he was sent to the company doctor on March 24, 2003, was diagnosed with a lumbar sprain/strain, and was released to work with restrictions. The employer representative testified that the company could accommodate light-duty restrictions, but that the claimant voluntarily left employment.

We have reviewed the complained-of determinations and find that they are supported by sufficient evidence to be affirmed. The disputed issues presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Because we are affirming the hearing officer's determination that the claimant had not sustained a compensable injury, the claimant cannot, by definition in Section 401.011(16), have disability.

We affirm the hearing officer's decision and order.

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

**CT CORPORATION SYSTEMS
350 NORTH ST PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge