

APPEAL NO. 032616  
FILED NOVEMBER 12, 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 11, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that the claimant failed to give timely notice of his claimed injury to the employer and did not have good cause for failing to do so; and that the claimant did not have disability.

The claimant appealed on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant alleged a compensable lower right leg injury on \_\_\_\_\_, when he ran into a table. The claimant said he reported the injury to his supervisor that day and the next day, but that testimony is disputed by the supervisor. The claimant saw a doctor in Mexico on March 8 and March 22, 2003, but the doctor's notes reference treatment for "a P. Angeo-Cardiovascular problem." None of the doctor's notes mention a work-related injury or a leg injury. The claimant saw this doctor again on April 5, 2003, "for a new evaluation of his problem." The claimant saw an American chiropractor on April 8, 2003, and the chiropractor noted a work-related right leg injury caused by hitting his leg against a metal table. The claimant, in November 2002, had sought group health short-term disability (STD) benefits for his cardiovascular problem and again sought STD benefits in March 2003 using the Mexico doctor's reports. It was not until the chiropractor's April 8, 2003, report was presented to the employer that there was a reference to a work-related leg injury. The hearing officer commented that the claimant "reported his injury, much by accident...more than thirty days after the date of his claimed injury." The hearing officer also commented that the claimant's "version of events is not credible" and noted that the claimant met with the human resource manager three times (about medical leave of absence and the STD) without telling her about the claimed injury.

The questions of whether the claimant sustained a compensable injury, whether he timely reported his injury, and whether he had disability 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). 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 has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her 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 **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.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge