

APPEAL NO. 032778
FILED DECEMBER 9, 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 30, 2003. The hearing officer determined that: (1) the appellant/cross-respondent (claimant) did not sustain a compensable injury in the form of an occupational disease with a date of injury of _____; (2) the claimant did not have disability; and (3) the respondent/cross-appellant (carrier) is not relieved from liability under Section 409.002, because the claimant timely notified her employer of the alleged injury pursuant to Section 409.001. The claimant appeals the injury and disability determinations on sufficiency of the evidence grounds. The carrier responded, urging affirmance. The carrier cross-appeals the hearing officer's notice determination on sufficiency of the evidence grounds. The claimant did not file a response.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The claimant had the burden of proof on these 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 Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, 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).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL 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.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge