

APPEAL NO. 032779  
FILED DECEMBER 8, 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 October 7, 2003. The hearing officer determined that the appellant/cross-respondent (claimant) had not sustained a compensable injury on \_\_\_\_\_, "or any other date as alleged," and that the claimant did not have disability.

The claimant appealed, contending that the decision was contrary to the great weight of the evidence. The respondent/cross-appellant (carrier) filed a contingent appeal disputing findings of fact regarding the cause of the claimant's inability to earn his preinjury wage. The parties responded to the other's appeal.

DECISION

Affirmed.

The claimant was an oil field worker. It is relatively undisputed that the claimant fell about two feet off of a "rod stand." Although the claimant initially claimed a May 9, 2003, date of injury, the preponderance of the evidence supports that the incident occurred on \_\_\_\_\_, as found by the hearing officer. The mechanics of the fall, what body parts may have been injured, whether a coworker caught the claimant (a very large man) and the reason for claimant's subsequent missed time were in dispute. The claimant first sought medical attention on May 23, 2003, when the incident was reported to the employer. An MRI performed on May 23, 2003, shows a central disc herniation at C7-T1 without forminal stenosis and a minimal disc protusion at C6-7. The hearing officer summarizes the facts in some detail and concludes that he "does not find the claimant's testimony to be credible."

Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts been established. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order 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 SYSTEM  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge