

APPEAL NO. 033372  
FILED FEBRUARY 23, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 8, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and that the claimant had disability from March 17, 2003, through the date of the CCH. The appellant (self-insured) appealed the hearing officer's determinations based on sufficiency of the evidence grounds. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant testified that on \_\_\_\_\_, she was unloading boxes of merchandise from a truck and stacking the boxes up against the wall. The claimant pulled a box off the top of the stacked boxes and all the boxes fell on the claimant's left side. A coworker witnessed the incident that happened to the claimant. The claimant reported the incident to her district manager, however, she was told that if she left the employer's premises her employment would be terminated. The claimant did not seek medical treatment until March 16, 2003, when her leg gave out while standing outside her home. The claimant's husband took her to the emergency room because the claimant's knee was swollen. A medical report dated March 16, 2003, reflects that the claimant was diagnosed with a left knee contusion. An MRI of the left knee dated September 19, 2003, reflects a "small joint effusion" and a "small Baker's cyst." The claimant testified that she was taken off work on March 16, 2003, and that she has been unable to work because of her left knee injury. The claimant presented medical evidence to support her claim that she sustained a compensable injury, and that she has had disability as a result, from March 17, 2003, through the date of the CCH.

The questions of whether the claimant sustained a compensable injury and whether she 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 his province as the fact finder in resolving the conflicts and inconsistencies in the evidence. 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. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). 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 **(a certified self-insured)** and the name and address of its registered agent for service of process is

**NO  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Edward Vilano  
Appeals Judge