

APPEAL NO. 040109
FILED FEBRUARY 27, 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 was held on December 9, 2003. On the sole issue, the hearing officer determined that the appellant/cross-respondent (claimant) had disability from October 24, 2002, through February 28, 2003. The claimant appeals on sufficiency of the evidence grounds, asserting that disability continued through June 29, 2003. The respondent/cross-appellant (carrier) urges affirmance of the determination that the claimant did not have disability beyond February 28, 2003, but cross-appeals the hearing officer's determination that the claimant had disability from October 24, 2002, through February 28, 2003, on sufficiency of the evidence grounds. The claimant did not file a cross-response.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determination. The determination involved 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is 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 **FINANCIAL INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**ALBERT SCOTT TAYLOR, PRESIDENT
12225 GREENVILLE AVENUE, SUITE 490
DALLAS, TEXAS 75243.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge