

APPEAL NO. 040194  
FILED MARCH 10, 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 29, 2003. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on \_\_\_\_\_, and that because the claimant had not sustained a compensable injury, he did not have disability.

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

DECISION

Affirmed.

The claimant, apparently a dry wall worker, testified that he sustained a low back injury on \_\_\_\_\_. The claimant went to a hospital clinic the next day, July 15, 2003, but that one page record is in largely illegible handwriting subject to differing interpretation. The claimant continued to work for some period of time, either one week or two weeks. The claimant subsequently saw a chiropractor on July 29, 2003. The chiropractor's report of that date is somewhat at variance with the claimant's testimony. Other testimony and documentary evidence was conflicting and may have been based on inaccurate facts. Diagnostic testing states "[m]uscular spasms suggested." The hearing officer commented that the claimant's actions have been inconsistent with sustaining a work-related injury.

The questions of whether the claimant sustained a compensable 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 his 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. 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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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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