

APPEAL NO. 040282  
FILED MARCH 18, 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 January 15, 2004. On the sole issue, the hearing officer determined that the decedent's death is a result of a compensable injury on \_\_\_\_\_. The appellant/cross-respondent (carrier) appeals, asserting that there is no evidence that the decedent's death resulted from a fall to the ground. The respondent/cross-appellant (claimant) urges affirmance of the hearing officer's decision but cross-appeals the hearing officer's finding that the decedent's fall was idiopathic. The carrier cross-responded, asserting that the decedent's fall, if any, occurred for unknown or unexplained reasons.

DECISION

Affirmed.

The hearing officer did not err in determining that the decedent's death is a result of a compensable injury on \_\_\_\_\_. This determination involved a question 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)). The hearing officer could find that the claimant sustained an idiopathic fall on the employer's premises in the course and scope of his employment and struck his head on the ground with such force as to cause a severe subdural hematoma, which resulted in his death. 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 is affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge