

APPEAL NO. 040619  
FILED MAY 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 March 3, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on or about \_\_\_\_\_; that because the claimant did not have disability resulting from the claimed injury of \_\_\_\_\_; and that since the claimant failed to timely notify his employer pursuant to Section 409.001, the respondent (carrier) is relieved from liability pursuant to Section 409.002. The claimant appealed the hearing officer's determinations based on sufficiency of the evidence grounds. The appeal file does not contain a response from the carrier.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The injury and notice determinations 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 determinations are 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). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability. Section 401.011(16).

The hearing officer's decision and order is affirmed.

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

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

\_\_\_\_\_  
Daniel R. Barry  
Appeals Judge

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Edward Vilano  
Appeals Judge