

APPEAL NO. 040854
FILED JUNE 8, 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 11, 2004. The hearing officer decided that: (1) the respondent/cross-appellant (claimant) sustained a compensable injury on _____; and (2) the claimant did not have disability. The appellant/cross-respondent (carrier) appeals the injury determination on sufficiency of the evidence grounds. The claimant urges affirmance of that determination. The claimant cross-appeals the disability determination, asserting that the hearing officer applied an incorrect legal standard and that such determination is against the great weight of the evidence. The carrier urges affirmance of the disability determination.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____, but did not have disability. These 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)). Contrary to the claimant's assertion, we cannot conclude that the hearing officer applied an incorrect legal standard in reaching his decision with regard to disability. The hearing officer's determinations are not 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 **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.**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Margaret L. Turner
Appeals Judge