

APPEAL NO. 041127
FILED JULY 6, 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 April 12, 2004. The following issues were presented: (1) Whether the appellant (claimant) sustained a compensable injury; (2) What is the date of injury (DOI); (3) Whether the compensable injury extends to and includes the shoulder and lumbar spine; (4) Whether the claimant timely reported an injury; and (5) Whether the claimant has disability? The hearing officer decided that: (1) the claimant did not sustain a compensable injury to her shoulders and lumbar spine on _____; (2) the claimant timely reported the alleged injury of _____; and (3) the claimant does not have disability. The claimant appeals the injury and disability determinations on sufficiency of the evidence grounds. No response was filed. The hearing officer's DOI and notice determinations were not appealed and have become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The 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).

The decision and order of the hearing officer is 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.**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Veronica L. Ruberto
Appeals Judge