

APPEAL NO. 041168
FILED JULY 12, 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 (CCH) was held on April 21, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable low back injury; that the date of injury is _____; and that the claimant had disability beginning November 4, 2003, and continuing through the date of the CCH. The appellant (carrier) appealed, arguing that there was no evidence that the claimant suffered a compensable injury and that a compensable injury occurred on _____. The carrier alternatively asserts 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. Additionally, the carrier contends that the hearing officer misstated some of the evidence and failed to discuss the evidence supporting his finding that the claimant suffered from disability. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in making his injury, date of injury, and disability determinations. Those issues 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 trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained his burden of proving that he sustained an injury in the course and scope of his employment, that the date of injury is _____, and that he had disability from November 4, 2003, through the date of the CCH. The factors emphasized by the carrier in challenging those determinations on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in resolving the issues before him. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The carrier complains on appeal that the hearing officer did not recite the evidence supporting his disability determination; however, the hearing officer was under no obligation to do so. Section 410.168(a) only requires the hearing officer to make findings of fact and conclusions of law, determine whether benefits are due, and award benefits, if any. Further, the hearing officer noted that the claimant established disability through his testimony and medical evidence.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ST. PAUL FIRE & MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
701 BRAZOS STREET, SUITE 1050
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge