

APPEAL NO. 041418
FILED JULY 29, 2004

This appeal after remand 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 26, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and that she therefore did not have disability. The claimant appealed the hearing officer's determinations regarding injury and disability on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance. The Appeals Panel remanded the matter back to the hearing officer to reconsider the record. Texas Workers' Compensation Commission Appeal No. 040408, decided April 7, 2004. No hearing was held on remand. The hearing officer issued a decision and order on remand again determining that the claimant did not sustain a compensable injury on _____, and that she therefore did not have disability. The claimant appealed these determinations on sufficiency of the evidence grounds, and the carrier responded, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and find that the hearing officer's decision and order on remand are supported by sufficient evidence to be affirmed. We are satisfied that the hearing officer reviewed and considered all of the evidence in reaching his determinations on the disputed issues. The disputed issues presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. This is so even though a different fact finder could have come to a different result based upon the same evidence. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Daniel R. Barry
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge