

APPEAL NO. 031667
FILED AUGUST 14, 2003

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 May 21, 2003. The hearing officer decided that the respondent (claimant) sustained a compensable injury on _____, and that the claimant had disability from _____, continuing through the date of the CCH. The appellant (carrier) appeals, essentially contending that the hearing officer's decision is against the great weight of the evidence. The claimant responds to the appeal urging affirmance.

DECISION

Affirmed.

The claimant testified that he injured his back while working for the employer as a pipefitter on or about _____, and that he reported the injury to his employer. The claimant denied that he was suffering from a previous injury or that he told his employer his condition was not work related. The claimant also testified that he has been unable to work since he injured his back. The carrier offered testimony from witnesses that testified the claimant indicated that he had a sore back unrelated to his work.

The testimony and medical evidence were in conflict in regard to the disputed issues and the evidence was sufficient to support the determinations of the hearing officer. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **BANKER'S STANDARD INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MARCUS CHARLES MERRITT
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 75063.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge