

## APPEAL NO. 002134

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 March 28, 2000. The hearing officer determined that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_; and that he had disability from May 21, 1999, to June 10, 1999. Claimant appealed the disability determination, contending that disability did not end on June 10, 1999. Respondent (carrier) also challenged the disability determination on sufficiency grounds in a cross-appeal. The Appeals Panel affirmed the determination that claimant sustained a compensable injury but reversed the hearing officer's disability determination and remanded the case for reconsideration because of confusion regarding some factual recitations in the decision and order. Texas Workers' Compensation Commission Appeal No. 001001, decided June 22, 2000. The hearing officer did not hold a hearing on remand. The hearing officer issued a decision on remand determining that claimant had disability from May 21, 1999, through June 1, 1999. Claimant appealed this determination on sufficiency grounds. Carrier responded that the Appeals Panel should affirm the decision and order on remand.

### DECISION

We affirm.

Claimant contends the hearing officer erred in determining that his period of disability ended on June 1, 1999. Claimant complains that Dr. O did not state that claimant's disability ended on June 1, 1999; that the medical evidence did not show that he was released to full duty on June 1, 1999; and that his testimony showed that his disability continued. The background facts of this case are set forth in our prior decision and will not be repeated here. See Appeal No. 001001. Briefly, the hearing officer determined that claimant sustained a "low back strain and a medial right thigh muscle strain" on \_\_\_\_\_.

The applicable standard of review and the law regarding disability is discussed in Texas Workers' Compensation Commission Appeal No. 001937, decided September 29, 2000. In a \_\_\_\_\_, Initial Medical Report (TWCC-61), Dr. O stated that claimant could return to limited work on May 27, 1999, and that he could return to full-time work on June 1, 1999. There was evidence that claimant's disability continued, but this involved a credibility issue for the hearing officer to resolve. The hearing officer reviewed all the evidence and determined what facts were established. We have reviewed the record and we conclude that the hearing officer's disability determination is 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).

We affirm the hearing officer's decision and order.

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Robert E. Lang  
Appeals Panel  
Manager/Judge

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Tommy W. Lueders  
Appeals Judge