

APPEAL NO. 002262

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 August 28, 2000. The issues at the CCH were whether the _____, compensable injury included an injury to the shoulders and whether the appellant (claimant) had disability resulting from the injury sustained on _____.

The hearing officer determined that the claimant's injury did not include an injury to the shoulders and that disability from the compensable injury began on _____, and ended on February 10, 2000; that the claimant did not have disability from February 11, 2000, through the date of the CCH on August 28, 2000. The claimant appealed the adverse determinations on the grounds of sufficiency of the evidence. The appeals file does not contain a response from the carrier.

DECISION

Affirmed

The evidence was sufficient to support the determinations that the claimant's compensable injury of _____, did not extend to and include an injury to her shoulders and that the claimant had disability from _____, through February 10, 2000. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). 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 unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

The hearing officer's decision and order are affirmed.

Kathleen C. Decker
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Judy L. Stephens
Appeals Judge