

APPEAL NO. 002407

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 et seq (1989 Act). On September 25, 2000, a contested case hearing was held. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury in the form of an incarcerated right inguinal hernia on _____, and that the claimant had disability from May 7, 1999, to August 22, 2000. The appellant (self-insured) appealed. No response was received from the claimant.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that on _____, he was performing his job duties for the self-insured lifting boxes of tile when he sustained a hernia and that he has been unable to work since May 1999 because of his work injury. The claimant underwent surgery for an incarcerated right inguinal hernia in March 2000. There was conflicting evidence presented to the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's determinations on the issues are 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 (Tex. 1986).

We affirm the decision and order of the hearing officer.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge