

APPEAL NO. 002421

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On September 18, 2000, a contested case hearing (CCH) was held. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, includes her low back but does not extend to her right knee and that the claimant has not had disability. The appellant (self-insured) appealed the decision that the claimant has a compensable back injury. The claimant responded.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that she was performing her nurse duties on _____, when she attempted to sit in her chair and the chair rolled away, causing her to fall and strike her back on her desk and then fall to the floor. She said she injured her back and other body parts in that accident. A coworker who saw the accident provided a written statement corroborating the claimant's testimony. While there was conflicting evidence presented at the CCH, as the trier of fact the hearing officer resolves the conflicts in the evidence and is the sole judge of the weight and credibility of the evidence. The hearing officer's decision that the claimant sustained a compensable back injury on _____, is supported by sufficient evidence and 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 (Tex. 1986). We decline to remand for further fact findings.

The decision and order of the hearing officer are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge