

APPEAL NO. 002519

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 October 4, 2000. The issues at the CCH were whether the respondent (claimant) had reached maximum medical improvement (MMI), the impairment rating (IR), disability, and whether the claimant's cervical, right elbow, and right-hand injuries were a result of the \_\_\_\_\_, injury.

The appellant (carrier) appealed the issues as to disability and extent of injury on the grounds of sufficiency of the evidence and the issue of IR contending that the hearing officer erred by not appointing a second designated doctor. The claimant filed a response urging that the decision and order be affirmed.

DECISION

The evidence was sufficient to support the hearing officer's determinations as to disability and extent of injury. 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 did not err by not appointing a second designated doctor to determine whether the claimant had reached MMI and to assign an IR.

The hearing officer's decision and order are affirmed.

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Kathleen C. Decker  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Robert W. Potts  
Appeals Judge