

APPEAL NO. 002567

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On October 10, 2000, a hearing was held. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, is a producing cause of his current low back condition. The appellant (carrier) appealed. The claimant responded.

DECISION

The hearing officer's decision is affirmed.

Based on our decision in Texas Workers' Compensation Commission Appeal No. 991587, decided September 9, 1999, we disagree with the carrier's contention that the hearing officer did not have jurisdiction to decide the disputed issue.

There is conflicting evidence in this case. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence. The claimant's testimony and the treating doctor's opinion support the hearing officer's decision. We conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Judy L. Stephens
Appeals Judge