

APPEAL NO. 002572

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 16, 2000. The issues at the hearing were whether the _____, compensable injury included an injury to the appellant/cross-respondent's (claimant) lumbar spine and whether the claimant had disability resulting from her compensable injury. The hearing officer determined that the claimant's injury did not include an injury to the lumbar spine and that the claimant had disability as a result of her compensable injury from January 3, 1999, to January 26, 1999; from January 28, 1999, to February 9, 1999; and from March 15, 2000, to September 17, 2000. In her appeal, the claimant argues that the hearing officer's extent-of-injury determination is against the great weight of the evidence. In its response to the claimant's appeal the respondent/cross-appellant (carrier) urges affirmance of that issue. In its cross-appeal, the carrier contends that the hearing officer's disability determination is against the great weight of the evidence. In her response to the carrier's appeal, the claimant urges affirmance.

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 lumbar spine and that she had disability from January 3, 1999, to January 26, 1999; from January 28, 1999, to February 9, 1999; and from March 15, 2000, to September 17, 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, as here, 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 determinations are 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. Reviewing the challenged determinations under that standard, we find no sound basis to disturb the hearing officer's extent-of-injury and disability determinations.

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Kathleen C. Decker
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge