

APPEAL NO. 002632

This appeal arises under the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On October 18, 2000, a contested case hearing (CCH) was held. The hearing officer resolved the disputed issues by deciding:

1. The respondent (claimant) sustained a compensable injury on _____; and
2. The claimant had disability from February 26, 2000, through the date of the CCH.

The appellant (self-insured) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

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 and determines what facts have been established. The hearing officer's findings of fact are supported by the claimant's testimony and the testimony and reports of his treating doctor. The hearing officer correctly applied the law to the facts. The hearing officer's determinations that the claimant sustained a compensable injury on _____, and that he has had disability from February 26, 2000, through the date of the CCH are supported by sufficient evidence and 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:

Kathleen C. Decker
Appeals Judge

Thomas A. Knapp
Appeals Judge