

APPEAL NO. 002653

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 19, 2000. The issue at the CCH was whether the respondent (claimant) had sustained a compensable injury on _____. The hearing officer determined that the claimant sustained a compensable injury to his right knee on _____, and the appellant (carrier) appealed on the grounds of sufficiency of the evidence. The claimant filed a response urging that the decision and order be affirmed.

DECISION

Affirmed.

The parties offered conflicting evidence as to whether the claimant sustained an injury to his right knee in the course and scope of employment on _____, or whether the injury occurred at a later date while the claimant was participating in a political march in April 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 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. The hearing officer may believe all, part, or none of the testimony of any witness. Accordingly, we conclude that the hearing officer's determinations are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

We affirm the hearing officer's decision and order.

Kathleen C. Decker
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge