

## APPEAL NO. 002803

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 November 16, 2000. With respect to the issues before her, the hearing officer determined that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_; that she had disability as a result of her compensable injury from July 13 to July 17, 2000; and that because the claimant did not have eight days of disability, income benefits did not yet accrue. In her appeal, the claimant argues that the hearing officer's determination that her disability ended on July 17th is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance. There was no appeal of the determination that the claimant sustained a compensable injury and that determination has, therefore, become final under Section 410.169.

### DECISION

Affirmed.

The claimant contends that the hearing officer's determination that she only had disability, as a result of her \_\_\_\_\_, compensable injury, from July 13 to July 17, 2000, is against the great weight of the evidence. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviews the evidence, assesses its weight and credibility, 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 hearing officer's disability determination under that standard, we find no sound basis to disturb that determination on appeal because the hearing officer was acting within her province as the fact finder in determining that the claimant did not sustain her burden of proving that she was unable to obtain and retain employment at her preinjury wage due to her compensable injury after July 17, 2000.

The hearing officer's decision and order are affirmed.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge