

APPEAL NO. 002851

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 6, 2000, a contested case hearing was held. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and that the claimant has not had disability. The claimant appealed and the respondent (self-insured) responded.

DECISION

Affirmed.

The claimant testified that on _____, her back was injured from driving a bouncing bus for the self-insured. In evidence were medical reports regarding the claimant's 1997 back injury and the claimed injury of _____. The hearing officer did not find the claimant's evidence persuasive and determined that the claimant did not sustain a compensable injury on _____, and that she has not had disability as a result of that claimed injury. Without a compensable injury, the claimant would not have disability as defined by Section 401.001(16). Conflicting evidence was presented. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge