

APPEAL NO. 002875

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 17, 2000, a contested case hearing (CCH) was held. The hearing officer resolved the disputed issues by deciding that on _____, the respondent (claimant) sustained a compensable injury to his low back, right shoulder, and right arm, and that the claimant has had disability from July 17, 2000, through the date of the CCH. The appellant (self-insured) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that on _____, he was at work leaning over the back of his special chair while attempting to secure the chair to his workstation when the chair slipped out from under him, which caused him to fall down and injure his low back, right shoulder, and right arm. The claimant has had numerous prior workers' compensation claims. Dr. A, the claimant's treating doctor, opined that the claimant sustained a new injury to his lower back in the work accident of _____, and also diagnosed the claimant as having injuries to his right shoulder and arm. Dr. A took the claimant off work for his injuries of _____, and has continued to recommend that the claimant remain off work due to those injuries.

The hearing officer determined that the claimant sustained a compensable injury to his low back, right shoulder, and right arm on _____, and that the claimant has had disability from July 17, 2000, through the date of the CCH. 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 trier of fact the hearing officer resolves conflicts in the evidence and determines what facts have been established. 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. 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:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge