

## APPEAL NO. 002910

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 2, 2000. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and that she had disability, as a result of her compensable injury, from May 18 to August 12, 2000. In its appeal, the appellant (self-insured) contends that the hearing officer's injury and disability determinations are against the great weight of the evidence. The appeal file does not contain a response to the self-insured's appeal from the claimant.

### DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury and that she had disability from May 18 to August 12, 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). 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 his 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. In its appeal, the self-insured emphasizes the same factors it emphasized at the hearing in an attempt to demonstrate that the claimant's testimony and the other evidence she offered in support of her claim is not credible. The significance, or lack thereof, of those factors was a matter left to the determination of the hearing officer as the fact finder. Nothing in our review of the record demonstrates that the hearing officer's injury determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to disturb the hearing officer's injury determination on appeal.

The success of the self-insured's challenge to the disability determination is premised upon the success of its argument that the claimant did not sustain a compensable injury. Given our affirmance of the injury determination, we likewise affirm the determination that the claimant had disability from May 18 to August 12, 2000.

The hearing officer's decision and order are affirmed.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge