

APPEAL NO. 002944

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 21, 2000, a hearing was held. With regard to the issue before him, the hearing officer determined that the compensable injury sustained by the appellant (claimant) did not extend to her cervical or thoracic spine. The claimant appealed, contending that the hearing officer erred in determining that the injury did not extend to her cervical or thoracic spine and requesting that the hearing officer's decision be reversed and a new decision rendered in her favor. The respondent (self-insured) urges affirmance.

DECISION

Affirmed.

Conflicting evidence was presented at the hearing regarding the extent of the spinal injury sustained by the claimant on \_\_\_\_\_. Extent of injury is a question of fact. Texas Workers' Compensation Commission Appeal No., decided August 24, 1993. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence, including the medical evidence. When reviewing a hearing officer's decision for factual sufficiency of the evidence, an appeals panel should reverse such decision only if it is so contrary to the great weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer could consider the lack of objective medical evidence of a cervical or thoracic injury as well as the period of time that passed since the date of injury. There is sufficient evidence in the record to support the hearing officer's decision. Accordingly, we affirm the decision and order of the hearing officer.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Kenneth A. Huchton  
Appeals Judge