

APPEAL NO. 010036

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On December 14, 2000, a hearing was held. The hearing officer decided that the respondent's (claimant) compensable injury includes an injury to the cervical spine but not to the right shoulder. The appellant (self-insured) appeals, asserting that the evidence is both legally and factually insufficient to support the hearing officer's decision. The claimant responded that the hearing officer's decision is supported by the evidence and should be affirmed.

DECISION

We affirm the hearing officer's decision and order.

The claimant presented evidence that she worked on a computer for the self-insured for most of the day, and in doing so was required to turn her neck to the right to see the computer monitor. A number of doctors, including the claimant's treating doctor, Dr. D; an RME doctor, Dr. Do; the first doctor that the self-insured sent the claimant to, Dr. S; and Dr. M have diagnosed a part of the claimant's problems as a cervical strain. It is noted that Dr. Do believed that the cervical strain had resolved by the time he saw the claimant.

The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Only were we to conclude, which we do not in this case, that the hearing officer's determinations were so against the great weight and preponderance of the evidence as to be manifestly unjust would there be a sound basis to disturb those determinations. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge