

APPEAL NO. 010101

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on November 9, 2000. The hearing officer resolved the disputed issues of injury and disability by deciding:

1. The respondent (claimant) sustained a compensable injury on _____.
2. The injury was not caused by the claimant's wilful intention and attempt to injure himself or to unlawfully injure another person.
3. The claimant had disability from June 1, 2000, continuing through the CCH.

The appellant (carrier) filed a request for review and there is no response from the claimant.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

There was conflicting evidence presented at the CCH on the disputed issues. While the carrier argues on appeal that the claimant's testimony was not credible and that the claimant staged the accident, it was the province of the hearing officer to decide what weight to give the evidence and to determine the credibility of the witnesses. The hearing officer's determinations on the issues are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge