

APPEAL NO. 010206

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On January 11, 2001, a hearing was held. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury does not extend to the low back. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

The carrier accepted a compensable injury to the claimant's thoracic spine. There was conflicting evidence on the issue of whether the compensable injury extended to an injury to the claimant's low back. The hearing officer found that it did not. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Judy L. S. Barnes
Appeals Judge