

APPEAL NO. 010217

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 January 16, 2001. With respect to the issues before him, the hearing officer determined that the appellant (claimant) sustained a compensable injury on _____, and that she had disability, as a result of her compensable injury, on September 19, 2000, only. In her appeal, the claimant argues that the hearing officer's determination that she only had disability on one day is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant only had disability for her compensable injury on September 19, 2000. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. There was conflicting evidence on the disability issue. The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies against the claimant and in determining that the claimant had disability on one day, September 19, 2000. As the fact finder, the hearing officer was free to discount the claimant's evidence on the disability issue and that is what he did here. Our review of the record does not demonstrate that the hearing officer's disability determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge