

APPEAL NO. 010256

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 January 17, 2001. The hearing officer resolved the disputed issues of injury and disability by deciding:

1. The respondent (claimant herein) sustained a compensable injury on _____.
2. The claimant had disability from _____, continuing through the date of the CCH.

The appellant (carrier herein) appealed, contending that these determinations were contrary to the evidence. The claimant responds that there is sufficient evidence in the record to support the hearing officer's decision.

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. The claimant testified that, while working for the employer, he was injured when he lifted some lumber and that he was initially placed off work. He stated that he was later released to restricted duty work, but that the employer did not honor his restrictions and he was again taken off work. There are medical records in evidence supporting the claimant's contention that he suffered an injury and had disability. The question under our standard of review was whether the hearing officer's determinations were 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). Applying this standard, we find sufficient evidence to support the hearing officer's finding that the claimant sustained a compensable injury on _____, and had disability from _____, continuing through the date of the CCH.

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge