

APPEAL NO. 010276

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On January 24, 2001, a hearing was held. The hearing officer resolved the disputed issue by deciding that due to the compensable injury of _____, the respondent (claimant) has had disability from May 15, 2000, through September 22, 2000. The appellant (carrier) appealed and the claimant responded. We disagree with the claimant's contention that the Appeals Panel does not have jurisdiction to consider the carrier's appeal. The carrier correctly identified itself on the first page of the appeal.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that on _____, the claimant sustained a compensable injury to his neck, back, and left shoulder. The employer took the claimant to a medical clinic and the claimant was released to full-duty work. The claimant said that he continued to work his regular job but that the pain in his neck and back worsened and that he went to Dr. G, a chiropractor, in May 2000 when he could no longer stand the pain. Dr. G provided treatment for the claimant's compensable injury and referred the claimant to several doctors for diagnostic testing and evaluation. Dr. G's reports reflect that due to the claimant's medical condition resulting from the compensable injury, the claimant was unable to work from May 15, 2000, through September 22, 2000. The claimant testified that he was unable to perform his work duties and did not work during that period of time.

The conflicting evidence was for the hearing officer to resolve as the trier of fact. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We disagree with the carrier's contention that the hearing officer did not address its argument regarding a "substantial change of condition" because the hearing officer noted in her decision the claimant's testimony concerning the worsening of his condition. As a general rule, in workers' compensation cases the issue of disability may be established by the testimony of the claimant alone. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). The hearing officer's decision on the disability issue 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

Thomas A. Knapp
Appeals Judge