

APPEAL NO. 010318

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 October 23, 2000, with the record closing on December 18, 2000. The hearing officer resolved the disputed issues of injury and disability by deciding:

1. The appellant (claimant) did not sustain a compensable injury on _____.
2. The claimant did not have disability.

The claimant appealed and the respondent (carrier) filed a response.

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 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 hearing officer stated that in her view, the claimant's credibility was undermined by questions concerning his identity. The thrust of the claimant's appeal was that the hearing officer erred in considering conflicting evidence of the claimant's identity as reflecting on his credibility. The claimant argued that the question of the claimant's identity was not before the hearing officer. Issues of the credibility of witnesses are for the hearing officer as the finder of fact. She had an opportunity to view the witnesses. We do not find that the hearing officer erred, as a matter of law, in considering conflicts between the claimant's testimony and other evidence concerning his identity as reflecting on his credibility. Another fact finder might have given less weight to this than this hearing officer, but that does not constitute legal error.

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge