

APPEAL NO. 010346

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A hearing was held on December 29, 2000. The hearing officer resolved the disputed issues by deciding that the appellant (carrier) is not relieved of liability for compensation because the respondent's (claimant) claimed injury did not occur while the claimant was in a state of intoxication as defined by Section 401.013 from the introduction of a controlled substance and that the claimant had disability resulting from the injury sustained on _____, from October 14, 1999, through the date of the hearing. The carrier appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

Conflicting evidence was presented at the hearing. The evidence was well developed by the parties. The hearing officer could consider the conflicting opinions of the expert witnesses, the claimant's testimony, the supervisor's testimony, the circumstances of the accident, and the other evidence presented at the hearing in reaching her determination on the intoxication issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We conclude that the hearing officer's determinations in favor of the claimant on the intoxication issue and the disability issue are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge