

APPEAL NO. 010547

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 February 28, 2001. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain an injury to her neck in addition to the injury to her forehead on _____, and that the claimant has not had disability as a result of the compensable injury to her forehead. The claimant appealed, expressing disagreement with the hearing officer's decision. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury did not extend to her neck and that she did not have disability as a result of her compensable forehead injury. Extent of injury is a question of fact for the hearing officer. Section 410.165(a) provides that the hearing officer is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and to determine what facts have been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). The hearing officer was not persuaded that the claimant's compensable injury extended to her neck or that she had disability, as a result of the compensable injury, which he determined was limited to a cut on the forehead. Nothing in our review of the record reveals that the hearing officer's determinations in that regard are so against the great weight of the evidence as to compel their reversal on appeal.

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge