

APPEAL NO. 010560

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 8, 2001. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, extends to include the lumbar spine, and that the claimant had disability resulting from the compensable injury sustained on _____, from November 27, 1999, through the date of the hearing. The appellant (carrier) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The claimant was performing his work duties on _____, when he stepped on a wheeled dolly and fell on concrete. The parties stipulated that the claimant sustained a compensable injury on _____. There is conflicting evidence on the disputed issues. The claimant's testimony and the medical reports of his treating doctor and the referral doctors support the hearing officer's determinations. With regard to the carrier's appeal, maximum medical improvement (MMI) was not an issue to be resolved at the hearing and no stipulation as to MMI was made. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence. The hearing officer's decision is supported by sufficient evidence and is not so contrary to 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:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge