

APPEAL NO. 010561

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 December 19, 2000. In response to the issue at the hearing, the hearing officer determined that respondent (claimant) had disability from July 10, 2000, through the date of the hearing. Appellant (carrier) appealed, contending that the hearing officer applied the wrong standard in determining whether claimant had disability. Carrier asserted that the evidence did not support the disability determination.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue of disability involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's disability determination is 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). We also conclude that the hearing officer did not err in applying the law to the facts of this case.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge