

APPEAL NO. 010900
FILED JUNE 12, 2001

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 April 11, 2001. The hearing officer resolved the disputed issues by deciding that on _____, the respondent (claimant) sustained a compensable injury and, as a result, had disability from _____, through December 21, 2000. The appellant (self-insured) appealed and there was no response from the claimant.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____. The parties stipulated that if the hearing officer determined that the claimant sustained a compensable injury, the period of disability would be from _____, through December 21, 2000. The claimant testified that he was performing his job duties on _____, when he slipped on water inside the refrigerated trailer and fell, striking the back of his head. The carrier asserts that the claimant's injuries could not have occurred the way the claimant alleges. There was conflicting medical evidence submitted as to whether such an accident could cause the extensive head injuries the claimant has been diagnosed as having. In her Statement of the Evidence, the hearing officer states, "Claimant was a credible witness and I find that he has established an _____, compensable injury with resultant disability from 08-27-00 through 12-21-00." Section 410.165(a) provides that the hearing officer is the sole judge of the relevance and materiality of the evidence offered as well as the weight and credibility that is to be given the evidence. As the trier of fact, the hearing officer resolves the conflicts in the evidence. The hearing officer's determinations are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The decision and order of the hearing officer are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Philip F. O'Neill
Appeals Judge