

APPEAL NO. 010998  
FILED JUNE 11, 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 (CCH) was held on April 12, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; that the claimant had disability as a result of the compensable injury of \_\_\_\_\_, from February 18, 2000, through the date of the CCH; and that the appellant (self-insured) is not relieved of liability under Section 409.002 because the claimant timely notified the self-insured of his injury pursuant to Section 409.001. The self-insured appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on \_\_\_\_\_; that he gave timely notice of injury; and that he has had disability from February 18, 2000, through the date of the CCH. The claimant testified on \_\_\_\_\_, he was performing his job duties when he moved a pipe and injured his lower back; that the next day he notified his supervisor that he had been injured at work; and that he has been unable to work due to his work-related back injury since February 18, 2000. There is conflicting evidence in this case. The hearing officer stated in his decision that, while there were some inconsistencies in the medical records, the claimant was a truthful and credible witness. 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 and determines what facts have been established from the evidence presented. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Philip F. O'Neill  
Appeals Judge