

APPEAL NO. 011020
FILED JUNE 25, 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 9, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that the claimant has had disability from December 27, 2000, through the date of the CCH. The appellant (carrier 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 _____, and that the claimant had disability from December 27, 2000, and continuing through the date of the CCH. Conflicting evidence was presented at the CCH with regard to the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier 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 found that on _____, the claimant was in the course and scope of his employment when he injured his lumbar spine and that due to that compensable injury the claimant was unable to obtain and retain employment at wages equivalent to his preinjury wage from December 27, 2000, through the date of the CCH. The hearing officer's decision is supported by the claimant's testimony and the reports of his treating doctor and referral doctor. 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.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge