

APPEAL NO. 011024
FILED JUNE 28, 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 25, 2001. The hearing officer determined that the Texas Workers' Compensation Commission (Commission) did not abuse its discretion in approving the change of treating doctors and that respondent (claimant) had disability beginning on July 6, 2000, and continuing through the date of the hearing. Appellant (carrier) appeals, contending that the Commission abused its discretion in approving claimant's request to change treating doctors and that the hearing officer's determination that claimant has disability is against the great weight and preponderance of the evidence. Claimant responds urging affirmance.

DECISION

We affirm.

Carrier contends the Commission abused its discretion in allowing claimant to change treating doctors. Carrier asserts that claimant changed treating doctor after she was fired, in order to obtain a report taking her off work. The hearing officer could have concluded from the evidence that claimant sought a change of treating doctor because she was not happy with the treatment she had been receiving from Dr. D. The hearing officer could find that the request to change treating doctors was approved because of a conflict between the doctor and patient, and because claimant wanted to receive "appropriate medical care to reach maximum medical improvement." We perceive no error in the hearing officer's determination in this case.

Carrier contends that the hearing officer's decision concerning claimant's disability is not supported by the evidence. The matters raised by carrier involve fact and credibility issues, which were for the hearing officer to resolve. We have reviewed the hearing officer's determinations and we conclude that they are 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 affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge