

APPEAL NO. 011115
FILED JULY 03, 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 May 4, 2001. With respect to the single issue before her, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 10th quarter. In her appeal, the claimant contends that the hearing officer's determinations that another record shows that she had the ability to work in the qualifying period for the 10th quarter and that she is not entitled to SIBs are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that other records show that the claimant had the ability to work in the qualifying period. That question was a question of fact for the hearing officer, the sole judge of the weight and credibility of the evidence under Section 410.165(a), to decide. The significance of the factors that the claimant emphasized at the hearing and on appeal to discredit the report from the functional capacity evaluation and the report from the doctor, who examined the claimant at the request of the carrier, were matters left to the discretion of the hearing officer. Our review of the record does not reveal that the determination that another record shows an ability to work is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse that determination, or the determination that the claimant is not entitled to SIBs for the 10th quarter, on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Although another hearing officer may well have drawn different inferences from the evidence which would have supported a different result, that fact does not permit us to disturb the hearing officer's decision. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge