

APPEAL NO. 011250
FILED JULY 17, 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, with the record closing on May 16, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury in the form of an occupational disease; that the date of injury under Section 408.007 was _____; that the appellant (carrier) is not relieved of liability under Section 409.002 because the claimant gave timely notice of injury to the employer under Section 409.001; and that the claimant had disability from April 10, 2000, through the date of the CCH. The carrier appealed. No response was received from the claimant.

DECISION

The hearing officer's decision is affirmed.

Conflicting evidence was presented on 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's findings of fact and determinations on the disputed issues are supported by the claimant's testimony and by the reports of the 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. 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:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge