

APPEAL NO. 011292  
FILED JULY 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 was held on May 17, 2001. With respect to the issues before him, the hearing officer determined that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_, and that the claimant has not had disability at any time resulting from her \_\_\_\_\_, injury. The hearing officer's determination that the claimant sustained a compensable injury on \_\_\_\_\_, has not been appealed and has become final. The claimant appeals the determination that she has not had disability, contending that the hearing officer's decision is against the great weight and preponderance of the evidence. The respondent (carrier) responds urging affirmance.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

Whether the claimant suffered disability as a result of her compensable injury on \_\_\_\_\_, is an issue of fact. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. There was conflicting evidence offered on disability. It was the province of the hearing officer to resolve any conflicting evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The question under our standard of review was whether the hearing officer's determinations were 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). Applying this standard, we find sufficient evidence to support the hearing officer's decision.

The decision and order of the hearing officer are affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

\_\_\_\_\_  
Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge