

APPEAL NO. 011318
FILED JULY 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 was held on May 21, 2001. With respect to the issues before him, the hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to and include the neck and low back, and that he did not have disability as a result of his compensable injury. In his appeal, the claimant essentially argues that the injury and disability determinations 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 the claimant's compensable injury did not extend to his neck and low back, and that he did not have disability as a result of his compensable head laceration injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence on the extent-of-injury and disability issues. The hearing officer resolved the conflicts and inconsistencies in the evidence against the claimant and he was acting within his role as the fact finder in determining that the claimant did not sustain his burden of proof on either issue. Nothing in our review of the record indicates that the hearing officer's determinations that the claimant's compensable injury does not extend to the neck and low back and that he did not have disability as a result of his compensable injury are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations 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).

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge