

APPEAL NO. 011319
FILED JULY 20, 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 May 25, 2001. The hearing officer resolved the disputed issues by deciding that the (appellant) claimant did not sustain a compensable injury on _____, and that the claimant has not had disability. The claimant appealed and the respondent (carrier) responded.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

We reform the hearing officer's decision to reflect that (carrier) is the carrier as was found by the hearing officer after receiving information from the carrier's representative as to the correct carrier in this case.

The claimant testified that she was assaulted by a coworker during a discussion at work about their respective work areas and sustained injuries as a result of that incident. Conflicting evidence was presented at the CCH. The hearing officer indicates in his decision that he found the carrier's witnesses to be the more credible witnesses. Those witnesses contradicted the claimant's testimony in several material respects. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder 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 decision that the claimant did not sustain a compensable injury on _____, 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. Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The hearing officer's decision and order are affirmed, as reformed.

Robert W. Potts
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge