

APPEAL NO. 011348
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 25, 2001. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant herein) compensable injury of _____, includes an injury to the claimant's left shoulder. The appellant (carrier herein) files a request for review arguing that this determination is contrary to the evidence and pointing to evidence in the record supporting its position that the claimant's injury was only to her right upper extremity. The claimant responds that evidence in the record sufficiently supports the decision of the hearing officer.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, includes the claimant's left shoulder. Conflicting evidence on the disputed issue was presented. 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 decision is supported by the claimant's testimony and medical evidence. The hearing officer's decision is supported by sufficient evidence and is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust.

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge