

APPEAL NO. 011439
FILED AUGUST 15, 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 June 1, 2001. The hearing officer resolved the disputed issue by deciding that the respondent/cross-appellant (claimant) had disability due to his compensable injury of _____, from December 6, 2000, through May 18, 2001. Both parties appealed.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant had disability, as defined by Section 401.011(16), from December 6, 2000, through May 18, 2001. Conflicting evidence was presented on the disputed issue. 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 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.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge