

APPEAL NO. 011457
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 6, 2001. The hearing officer determined that the respondent (claimant) had disability resulting from the compensable injury of _____, from January 7, 2000, through the date of the hearing. The appellant (carrier) appeals the hearing officer's determination on sufficiency grounds. No response was filed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant had disability from January 7, 2000, through the date of the hearing. Whether the claimant had disability from the compensable injury of _____, was a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 941754, decided February 9, 1995. There was conflicting evidence presented with regard to this issue. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer's disability determination is not 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge