

APPEAL NO. 011467  
FILED AUGUST 01, 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 24, 2001. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to or include a right shoulder rotator cuff syndrome injury, and that the claimant did not have disability as a result of the compensable injury. In her appeal, the claimant essentially argues that the hearing officer's extent-of-injury and disability determinations are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury does not include a right shoulder rotator cuff syndrome injury and that she did not have disability as a result of her compensable 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 she was acting within her role as the fact finder in determining that the claimant did not sustain her burden of proof on either issue. Nothing in our review of the record indicates that the challenged determinations 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 Company, 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.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge