

APPEAL NO. 011482  
FILED AUGUST 7, 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 compensable injury of the appellant (claimant) did not extend to include a disruption of the anterior talofibular ligaments and the calcaneal fibular ligaments, and that claimant did not have disability from October 13, 2000, to the date of the hearing. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. Although the hearing officer misstated the date of the altercation at work, the recitation of the evidence regarding the sequence of events that occurred on the day in question were correct. This apparently was a typographical error. Regarding whether claimant was off work as of October 12, 2000, the evidence conflicted in this regard. There was evidence from Dr. R that claimant was able to perform light duty work after October 5, 2000, and claimant's supervisor said claimant had been working that week. Because the evidence was in conflict, the hearing officer was entitled to weigh the evidence and determine what facts were established. She determined that claimant was working light duty as of October 12, 2000; and this determination is supported by the evidence. Regarding whether the evidence supported the determinations regarding disability and extent of injury, again the evidence was in conflict. There was evidence that claimant's condition had greatly improved as of October 12, 2000, just before the altercation. We conclude that the hearing officer's determinations are 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, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

---

Judy L. S. Barnes  
Appeals Judge

CONCUR:

---

Thomas A. Knapp  
Appeals Judge

---

Robert W. Potts  
Appeals Judge