

APPEAL NO. 011498
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 (CCH) was held on June 12, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury to his cervical and lumbar spine on _____, and that the claimant has had disability from January 10, 2001, through the date of the CCH. The appellant (carrier) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury to his cervical and lumbar spine on _____, and that the claimant has had disability from January 10, 2001, through the date of the CCH. Conflicting evidence was presented at the CCH. 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 the claimant's testimony, a coworker's testimony, and the opinion of the claimant's treating doctor, 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

Gary L. Kilgore
Appeals Judge