

APPEAL NO. 011540
FILED AUGUST 16, 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 11, 2001. The hearing officer determined that the appellant's (claimant) compensable injury did not extend to or include a hemorrhaged thyroid lesion that became symptomatic in September 2000. The claimant appealed. The respondent (carrier) did not respond to the appeal.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury did not extend to and include the hemorrhaged thyroid lesion, which became symptomatic in September 2000. Conflicting evidence was presented on the disputed issue, including conflicting medical opinions. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding 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 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.

We affirm the decision and order of the hearing officer.

Michael B. McShane
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge