

APPEAL NO. 011550  
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 7, 2001. With respect to the issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and had disability from July 15, 2000, and continuing through the date of the CCH. The appellant (carrier) appeals, contending that the hearing officer's determinations are against the great weight and preponderance of the evidence. The claimant responds that the evidence supports the decision of the hearing officer.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The claimant testified that he injured his back at work on \_\_\_\_\_, while raising scaffolding at work. The claimant testified that as a result of his injury, he had been unable to work since \_\_\_\_\_. The employer presented evidence that the claimant had been injured at home painting and moving a stereo, and contended that the claimant was not injured at work.

It was the province of the hearing officer to resolve any conflicting evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. The question under our standard of review was whether the hearing officer's determinations were 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). Applying this standard, we find sufficient evidence to support the hearing officer's decision.

The decision and order of the hearing officer are affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Robert E. Lang  
Appeals Panel  
Manager/Judge

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Robert W. Potts  
Appeals Judge