

APPEAL NO. 011656
FILED SEPTEMBER 5, 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 20, 2001. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that she had disability, as a result of her compensable injury, from February 10 to May 30, 2001. In its appeal, the appellant (self-insured) argues that the hearing officer's injury determination is against the great weight of the evidence. The appeal file does not contain a response to the self-insured's appeal from the claimant.

DECISION

Affirmed.

The issue of whether the claimant sustained a compensable injury was a question of fact for the hearing officer. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Generally, injury may be proven by the testimony of the claimant alone, if it is believed by the hearing officer. Gee v. Liberty Mut. Fire Ins. Co., 765 S.W.2d 394 (Tex. 1989). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986).

The self-insured contends that the hearing officer's injury determination is against the great weight of the evidence. In so arguing, the self-insured emphasizes the same factors on appeal as it had emphasized at the hearing. The significance, if any, of those factors was a matter left to the hearing officer in determining whether the claimant had sustained her burden of proving that she sustained a compensable injury. The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the claimant and he was acting within his province as the fact finder in so doing. Our review of the record does not demonstrate that the challenged determination is so contrary to the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination on appeal. Cain; Pool.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **STATE OFFICE OF RISK MANAGEMENT** and the address of its registered agent for service of process is:

**STATE OFFICE OF RISK MANAGEMENT
IN CARE OF RON JOSSELET
300 WEST 15TH STREET, 6TH FLOOR
AUSTIN, TEXAS 78711.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge