

APPEAL NO. 011662
FILED AUGUST 23, 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 26, 2001. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that he had disability beginning on January 22, 2001, and continuing through the date of the CCH. The appellant (self-insured) submitted a request for review, arguing that the evidence is insufficient to support the hearing officer's decision. The claimant did not submit a response.

DECISION

Affirmed.

The evidence sufficiently supports the hearing officer's determinations that the claimant sustained a compensable injury on _____, and had disability from January 22, 2001, through the date of the CCH. Section 401.011(10) provides that a compensable injury is an injury which arises out of and in the course and scope of employment for which compensation is payable. Section 401.011(16) provides that disability is the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage. The hearing officer was persuaded by the claimant's testimony and the medical records in evidence that the claimant sustained a work-related injury on _____, as he claimed, and the medical evidence shows that the claimant was taken completely off work because of that injury.

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. Section 410.165(a). 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). We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance 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 Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion of the evidence for that of the hearing officer.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(carrier)** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 N. ST. PAUL
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge