

APPEAL NO. 011747
FILED AUGUST 31, 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 July 3, 2001. The hearing officer resolved the disputed issues by determining that the appellant's (claimant) compensable injury of _____, does not extend to or include injury to the cervical spine and that she does not have disability. The claimant appealed and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's _____, compensable injury does not extend to or include an injury to the cervical spine and that she does not have disability. The determinations as to an employee's extent of injury and disability are questions of fact for the hearing officer to resolve. The 1989 Act makes the hearing officer the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence presented on the extent of injury and disability issues. The hearing officer resolved the conflicts and inconsistencies in the evidence against the claimant and he was acting within his role as fact finder in determining that the claimant did not sustain her burden of proof on either issue. Upon review of the record submitted, we find no reversible error and we will not disturb the hearing officer's determinations unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We do not so find in this case.

The hearing officer's decision and order 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

(Carrier rep)
(address)
(city, state zip code)

Michael B. McShane
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge