

APPEAL NO. 011804
FILED SEPTEMBER 7, 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 11, 2001. The hearing officer resolved the disputed issues by deciding that the respondent/cross-appellant (carrier) is not relieved of liability under Section 406.032(1)(C) because the appellant/cross-respondent's (claimant) injury did not arise out of an act of a third person intended to injure the claimant because of personal reasons and not directed at the claimant as an employee or because of the employment, and that the claimant had disability, as defined by Section 401.011(16), from February 5, 1999, through May 14, 1999. The carrier appealed the hearing officer's determinations on both disputed issues, and the claimant appealed the hearing officer's decision on the disability issue.

DECISION

The hearing officer's decision is affirmed.

Conflicting evidence was presented at the CCH on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. We conclude that the appealed findings of fact and determinations of the hearing officer on the disputed issues are sufficiently supported by the evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge