

APPEAL NO. 012012  
FILED OCTOBER 16, 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 31, 2001. With respect to the issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and that he had disability from June 27 to October 27, 2000. In its appeal, the appellant (self-insured) argues that those determinations are 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.

Initially, we will consider the self-insured's assertion that it may be necessary to remand this case for reconstruction of the record. The self-insured's attorney states that the copies of the tapes she reviewed in order to prepare her appeal were incomplete. However, the original tapes which were forwarded to the Appeals Panel were complete; thus, a remand is unnecessary.

The issues of whether the claimant sustained a compensable injury and whether he had disability were questions 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 and disability 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 and disability determinations are against the great weight of the evidence. In so arguing, the self-insured emphasizes the same factors it 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 his burden of proof on each issue. The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the claimant, and she was acting within her province as the fact finder in so doing. Our review of the record does not demonstrate that the challenged determinations are 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 the determinations that the claimant sustained compensable injury on \_\_\_\_\_, and that he had disability, as a result of the compensable injury, from June 27 to October 27, 2000.

Cain; Pool.

The hearing officer's decision and order are affirmed.

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

**CSC - THE US CORPORATION COMPANY  
400 N. ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge