

APPEAL NO. 012063
FILED OCTOBER 11, 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 August 1, 2001. With respect to the single issue before him, the hearing officer determined that the appellant (claimant) had disability, as a result of his _____, compensable injury, from September 21 to December 10, 2000. In his appeal, the claimant argues that the hearing officer erred in ending disability on December 10, 2000, and requests that we render a decision that he had disability through the date of the hearing. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not have disability for the period from December 10, 2000, through the date of the hearing. That issue presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence on the issue of whether the claimant had disability after December 10, 2000. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer was not persuaded that the claimant sustained his burden of proving that he had disability, as a result of his compensable injury, after December 10, 2000. Nothing in our review of the record reveals that the hearing officer's determination in that regard is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse the challenged determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the carrier is **UNITED PACIFIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is:

**TIMOTHY J. McGUIRE
633 N. STATE HIGHWAY 161, SUITE 200
IRVING, TEXAS 75038.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge