

APPEAL NO. 012123
FILED OCTOBER 29, 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 10, 2001. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury; that the date of injury is _____; and that the claimant had disability, as a result of her compensable injury, from October 23, 2000, to February 14, 2001. In its appeal, the appellant (carrier) argues that the hearing officer's injury, date-of-injury, and disability determinations are against the great weight of the evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The issues of whether the claimant sustained a compensable injury, the date of injury, and whether she 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 or 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 carrier contends that the challenged determinations are against the great weight of the evidence. In so arguing, the carrier emphasizes the same factors on appeal as 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 her burden of proof on each issue. The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the claimant, and he was acting within his province as the fact finder in so doing. Our review of the record does not demonstrate that the determinations that the claimant sustained a compensable repetitive trauma injury, that the date of injury is _____, and that the claimant had disability from October 23, 2000, to February 14, 2001, 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 those determinations on appeal. Cain; Pool.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge