

APPEAL NO. 012255
FILED NOVEMBER 5, 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 September 6, 2001. With respect to the issues before him, the hearing officer determined that the appellant (claimant) reached maximum medical improvement on August 3, 2000, and that he did not have disability for the period from January 26 to August 3, 2000, as a result of his _____, compensable injury. In his appeal, the claimant essentially argues that the hearing officer's disability determination is against the great weight of the evidence. Neither party appealed the determination that the claimant reached MMI on August 3, 2000, and that determination has, therefore, become final pursuant to Section 410.169. The parties stipulated that the claimant's impairment rating is nine percent.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not have disability from January 26 to August 3, 2000, as a result of his _____, compensable injury. 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 disability issue. 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 was unable to obtain and retain employment at his preinjury wage because of his compensable injury for the period from January 26 to August 3, 2000. Nothing in our review of the record reveals that the challenged determination 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 disability 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 insurance carrier is **ACE USA, INCORPORATED** and the name and address of its registered agent for service of process is

**JAVIER GONZALEZ
3421 WEST WILLIAM CANNON DRIVE, SUITE 131
AUSTIN, TEXAS 78745.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge