

APPEAL NO. 012485  
FILED NOVEMBER 26, 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 October 1, 2001. With regard to the issues before her the hearing officer determined that the appellant/cross-respondent's (claimant herein) compensable injury does not extend to include a conversion disorder and/or depression and headaches and that while the claimant had disability beginning on November 8, 2000, and continuing through January 17, 2001, the claimant did not have disability from January 18, 2001, through September 4, 2001. The claimant appeals the determination concerning extent of injury and the determination that she did not have disability from January 18, 2001, through September 4, 2001. The respondent/cross-appellant (carrier herein) replies that the hearing officer's extent of injury finding and finding of no disability from January 18, 2001, through September 4, 2001, should be affirmed. The carrier argues that the hearing officer erred in finding a period of disability and requests that we render a decision that the claimant did not have disability from October 18, 2000, through the date of the CCH. There is no response from the claimant to the carrier's request for review in the appeal file.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

We have held that the question of the extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and 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). In the present case, there was conflicting evidence concerning the extent of the claimant's injury. Applying the above-stated standard of review, we find no grounds for reversal of the hearing officer's resolution of this issue.

Disability is also a question of fact. Applying our standard of review, we discern no error in the hearing officer's resolution of this issue.

We affirm the hearing officer's decision and order.

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

**NICHOLAS PETERS  
12801 NORTH CENTRAL EXPRESSWAY, SUITE 100  
DALLAS, TX 75243-1732.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge