

APPEAL NO. 020023
FILED FEBRUARY 27, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). This case is back before us after our remand in Texas Workers' Compensation Commission Appeal No. 012373, decided November 19, 2001. In Appeal No. 012373, we had remanded for the hearing officer to obtain the carrier service information in compliance with HB 2600, effective June 17, 2001. The hearing officer complied with the remand and obtained this information. On remand, the hearing officer reissued essentially the same decision as she issued after the contested case hearing (CCH), which was held on September 18, 2001. In her decision, the hearing officer resolved the issues before her by determining that the respondent (claimant) sustained a compensable injury on _____, and has had disability from March 20, 2001, continuing through the date of the CCH. The appellant (self-insured) urges on appeal that these determinations are not sufficiently supported by the evidence and are against the great weight of the evidence. The appeal file contains no response from the claimant.

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.

The claimant had the burden to prove, by a preponderance of the evidence, that she sustained a compensable injury on _____, and thereafter had disability; these issues presented the hearing officer with questions of fact to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and it is for the hearing officer to resolve such conflicts and inconsistencies in the evidence as were present in this case (Garza v. Commercial Insurance Co. of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). As an appellate-reviewing body, we will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We are satisfied that the evidence sufficiently supports the hearing officer's determinations that the claimant sustained a compensable injury on _____, and had disability from March 20, 2001, continuing through the date of the CCH.

Accordingly, the decision and order of the hearing officer are affirmed.

The true corporate name of the self-insured is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Gary L. Kilgore
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge