

APPEAL NO. 020175  
FILED MARCH 14, 2002

This case returns following our remand in Texas Workers' Compensation Commission Appeal No. 012019, decided October 25, 2001, where we remanded the case for the hearing officer to reconsider whether the respondent (claimant) had disability for the periods from February 26 to March 18, 2001, and from April 18 to May 12, 2001. No hearing on remand was held, and the hearing officer determined that the claimant had disability for the periods at issue. In its appeal, the appellant (self-insured) argues that the hearing officer's determination on remand is against the great weight of the evidence. The appeal file does not contain a response to the self-insured's appeal from the claimant.

DECISION

Affirmed.

The issue of whether the claimant had disability for the periods at issue was a question 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 self-insured contends that the hearing officer's disability determination on remand is against the great weight of the evidence. 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 challenged determination is 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 the determination that the claimant had disability from February 26 to March 18, 2001, and from April 18 to May 12, 2001, on appeal. Cain; Pool.

The hearing officer's decision and order are affirmed.

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

**CT CORPORATION  
811 DALLAS AVENUE  
HOUSTON, TEXAS 77002.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge