

APPEAL NO. 020324  
FILED APRIL 3, 2002

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 January 22, 2002. With respect to the issues before him, the hearing officer determined that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_, and that he had disability from \_\_\_\_\_ to August 20, 2001. In his appeal, the claimant argues that the hearing officer's determination that his disability ended on August 20, 2001, is against the great weight of the evidence and asks that we render a new decision that his disability extended to October 21, 2001. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's disability ended on August 20, 2001. Disability is 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). As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. In this instance, the hearing officer determined that the claimant sustained minor strain injuries in his fall at work on \_\_\_\_\_, and that his disability from the compensable injury ended on August 20, 2001, in accordance with the records from the emergency room, which released the claimant to return to work on August 20, 2001. The hearing officer was not persuaded that the reason the claimant was off work from August 21 to October 21, 2001, was due to the compensable injury. The hearing officer was acting within his role as the fact finder in so finding. His determination in that regard is not so against the great weight 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 fact that another fact finder may well have drawn different inferences from the evidence, which would have supported a different result, does not provide a basis for us to disturb the hearing officer's decision on appeal. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

The hearing officer's decision and order are affirmed.

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

**CINDY GHALIBAF  
7610 STEMMONS FREEWAY, SUITE 350  
DALLAS, TEXAS 75247.**

---

Elaine M. Chaney  
Appeals Judge

CONCUR:

---

Robert E. Lang  
Appeals Panel  
Manager/Judge

---

Terri Kay Oliver  
Appeals Judge