APPEAL NO. 020569
FILED APRIL 16, 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 February 11, 2002. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the first compensable quarter from November 23, 2001, through February 21, 2002. The appellant (self-insured) argues that the claimant is not entitled to SIBs because her unemployment is not a direct result of her impairment. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant was injured while working as an emergency medical technician, sustaining an injury to her cervical, thoracic, and lumbar spine. While undergoing conservative treatment, the claimant was evaluated on October 6, 2000, by Dr. S, a required medical examination doctor selected by the self-insured. He felt she was at maximum medical improvement (MMI) on that date and assigned an impairment rating (IR) of 6%. The claimant disputed Dr. S's certification of MMI/IR, and a Texas Workers' Compensation Commission-appointed designated doctor, Dr. R, examined the claimant and certified her as having reached MMI on December 21, 2000, with a 16% IR. The qualifying period for the first SIBs quarter was from August 11 through November 9, 2001. During the qualifying period, the claimant enrolled in, and the hearing officer determined that the claimant was satisfactorily participating in, a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC). There was no dispute from the self-insured that the claimant was enrolled with the TRC and was satisfactorily participating in the TRC program. The self-insured's contention is that the claimant enrolled in the TRC program based on disabilities that have nothing to do with the compensable injury of _____.

Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as 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 (Tex. Civ. App.-Amarillo 1974, no writ). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza. The record in this case presented conflicting evidence for the hearing officer to resolve. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong or unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

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

MANAGER
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

Michael B. McShane
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Philip F. O'Neill
Appeals Judge