

APPEAL NO. 021166  
FILED JUNE 27, 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 April 10, 2002. The hearing officer determined that as a result of the \_\_\_\_\_, compensable injury, the respondent/cross-appellant (claimant) had disability from \_\_\_\_\_, through November 30, 2001. The appellant/cross-respondent (self-insured) contends on appeal that this determination is not supported by the evidence and requests that the decision be reversed and a new decision rendered finding that the claimant did not have disability. The claimant also appeals and requests that a new decision be rendered finding that he had disability from \_\_\_\_\_, through December 12, 2001. Each party responded to the opposing party's request for review.

DECISION

Affirmed.

Disability is a factual question for the hearing officer to resolve. 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. 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). Applying this standard, we find no grounds to reverse the decision of the hearing officer.

We affirm the hearing officer's decision and order.

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

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

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge