

APPEAL NO. 021180
FILED JUNE 24, 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 30, 2002. On the sole issue, the hearing officer determined that the respondent (claimant) had disability as a result of the compensable injury sustained on _____, beginning February 11, 2002, and continuing through the date of the hearing. The appellant (carrier) appeals the determination on sufficiency grounds. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant had disability beginning February 11, 2002, and continuing through the date of the hearing. This was a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). The claimant was released for work with certain physical restrictions. For the effect of such a release see Texas Workers' Compensation Commission Appeal No. 950246, decided March 31, 1995.

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **AMERICAN CASUALTY COMPANY OF READING, PA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Roy L. Warren
Appeals Judge