APPEAL NO. 021780
FILED AUGUST 30, 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 June 18, 2002. The hearing officer determined that the respondent (claimant) had disability from October 25 to December 13, 2001, as a result of his compensable injury of _____. The appellant (self-insured) appealed, arguing that the hearing officer's disability determination is against the great weight and preponderance of the evidence.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant had disability from October 25 to December 13, 2001, from his compensable injury of _____. The disability issue presented 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); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issue. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the challenged determination is so contrary to the great weight and preponderance 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 (Tex. 1986). Although, another fact finder may well have drawn different inferences from the evidence, which would have supported a different result, that 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 self-insured cites several Appeals Panel decisions and argues that they necessitate a remand here because the hearing officer's findings of fact are insufficient to explain the basis for his decision. Specifically, the self-insured argues that the hearing officer was required to explain how the claimant had disability for the period found, in light of the fact that the claimant's first treating doctor released him to regular duty before the claimant changed treating doctors and that doctor took him off work. A review of the hearing officer's decision demonstrates that he elected to credit the evidence from the claimant's second treating doctor and to determine that the claimant had disability based upon that doctor's off-work slip. The hearing officer was acting within his province as the fact finder in so finding and we find no merit in the assertion that a remand is required in order to ascertain the hearing officer's rationale for his decision.

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

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

_____
Elaine M. Chaney
Appeals Judge

CONCUR:

_____
Susan M. Kelley
Appeals Judge

_____
Roy L. Warren
Appeals Judge