

APPEAL NO. 022528  
FILED OCTOBER 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on August 13, 2002. In (Docket No. 1) the hearing officer determined that the appellant (claimant) did not sustain a compensable inhalation injury on December (1<sup>st</sup> Date of Injury), and therefore, she did not have disability. In (Docket No. 2) the hearing officer determined that the claimant did not sustain a compensable inhalation injury on (Incorrect 2<sup>nd</sup> Date of Injury), and, therefore, she did not have disability. The claimant appealed on sufficiency of the evidence grounds, and asserted that the hearing officer committed evidentiary error. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

A clerical correction should be made to the decision and order paragraph and Conclusion of Law No. 4, the date of the second asserted injury is corrected to (Corrected 2<sup>nd</sup> Date of Injury).

On appeal, the claimant asserts that the hearing officer committed reversible error by admitting transcribed statements, which had gaps in them because the tape recordings were inaudible in places. We do not agree. The completeness of an exhibit goes to the weight to be given the evidence, not its admissibility. The claimant has failed to show any reversible error on the part of the hearing officer in admitting the complained-of exhibits. Hernandez v. Hernandez, 611 S.W.2d 732 (Tex. Civ. App.-San Antonio 1981, no writ).

Essentially, the claimant quarrels with the manner in which the hearing officer gave weight and credibility to the evidence. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). 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 v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer detailed the considerations he made regarding the weight he gave the evidence.

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 and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We therefore affirm the 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

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

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Michael B. McShane  
Appeals Judge