

APPEAL NO. 023089
FILED JANUARY 22, 2003

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 November 12, 2002. The hearing officer determined that (1) the compensable injury of _____, does not include an aggravation of degenerative disc disease and internal disc disruption; and (2) the respondent/cross-appellant (claimant) had disability from March 11, 2002, through April 5, 2002. The appellant/cross-respondent (self-insured) appeals the disability determination on sufficiency of the evidence grounds and requests correction of clerical errors. The claimant urges affirmance of the disability determination but appeals the extent-of-injury determination on sufficiency of the evidence grounds. The self-insured did not file a response.

DECISION

Affirmed as reformed.

The hearing officer did not err in reaching the complained-of determinations. The determinations involved questions 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 determinations are 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, 176 (Tex. 1986).

The carrier requests correction of clerical errors in the hearing officer's decision regarding the beginning date of disability. The claimant asserted, at the hearing, that disability began on March 11, 2002, and continued through April 5, 2002. The hearing officer found disability for this period and, as indicated above, the record evidence supports that determination. Notwithstanding, the hearing officer's decision and order erroneously indicate, in several places, that the period of disability began on March 11, 2000. We reform those portions of the decision and order, consistent with the evidence and the hearing officer's finding of fact, to state that disability began on March 11, 2002, and continued through April 5, 2002.

The decision and order of the hearing officer are affirmed as reformed.

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

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

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Terri Kay Oliver
Appeals Judge