

APPEAL NO. 023288  
FILED FEBRUARY 11, 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 October 21, 2002, with the record closing on December 9, 2002. The hearing officer determined that the respondent's (claimant herein) compensable injury includes any damage to his heart from the injury of the \_\_\_\_\_, or from treatment thereof, including cardiomegaly and cardiomyopathy. The hearing officer also determined that the claimant's impairment rating (IR) was 60%. The appellant (self-insured herein) files a request for review, arguing that many of the hearing officer's findings and conclusions were flawed and not supported by the evidence. The claimant responds that the decision of the hearing officer was supported by the evidence and should be affirmed.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The designated doctor's IR report has presumptive weight and the Texas Workers' Compensation Commission must base its determination of IR on the designated doctor's report unless the great weight of the other medical evidence is to the contrary. Section 408.125(e). The hearing officer did not err in giving the designated doctor's certification of IR presumptive weight, nor did he err in determining the extent-of-injury issue. The disputed issues presented questions 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 Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. 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 Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are 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 those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The self-insured stated that the true corporate name of the insurance carrier **SELF-INSURED THROUGH THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF-INSURANCE FUND** and that the name and address of its registered agent for service of process is

**EXECUTIVE DIRECTOR  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Roy L. Warren  
Appeals Judge