

APPEAL NO. 030604
FILED APRIL 23, 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 (CCH) was held on February 11, 2003. The hearing officer decided the appellant's (claimant) initial choice of treating doctor is Dr. R, and that the claimant had disability from January 7 through August 24, 2002, due to the compensable injury of _____. The claimant appealed the hearing officer's disability determination, arguing that the claimant's disability extends to the date of the CCH. The respondent (carrier) responded, urging affirmance. The hearing officer's initial doctor determination has not been appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

The issue of disability involves 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)). The hearing officer determined "[a]fter August 24, 2002, and continuing through the date of this hearing, any inability of Claimant to obtain and retain employment at wages equivalent to her pre-injury wage is not due to the injury of _____." Nothing in our review of the record demonstrated that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**CITY SECRETARY
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Gary L. Kilgore
Appeals Judge

CONCUR:

Edward Vilano
Appeals Judge

Roy L. Warren
Appeals Judge