

APPEAL NO. 030650
FILED APRIL 30, 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 February 19, 2003. With respect to the sole disputed issue before him, the hearing officer determined that the appellant (claimant) did not have disability resulting from his _____, compensable injury. The claimant appeals the determination on sufficiency of the evidence grounds. The respondent (self-insured) responds, urging that the hearing officer be affirmed.

DECISION

Finding no reversible error, we affirm.

We first address the claimant's argument that the hearing officer erred in admitting into evidence the Self-Insured's Exhibit Nos. 10 and 12 over the claimant's relevancy objection. While the hearing officer admitted the documents at the hearing, it is clear from the Statement of the Evidence that he ultimately did not consider the documents. Under this circumstance, if there were any error in the admission of the documents, it would not be reversible error.

The hearing officer did not err in determining that the claimant did not have disability as a result of his _____, compensable injury. Disability is a fact question and there was conflicting evidence for the hearing officer to consider. Under the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was acting within his province as the fact finder in resolving the conflicting evidence and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

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

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge