

APPEAL NO. 030685
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. The hearing officer determined that the respondent (claimant) had disability from February 27 through August 6, 2001, due to her _____, compensable injury.

The appellant (carrier) appeals on sufficiency of the evidence grounds. The claimant responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable (thoracic back) injury on _____. After _____, the claimant had previously scheduled 4 days off work and then returned to regular duties. How much time thereafter the claimant missed is in dispute and ranges from 5 days to around 16 days intermittently between June 12, 2000, and February 27, 2001, when the claimant went to the emergency room with chest, back, and neck pain (initially it was thought that the claimant was having a heart attack). The medical records are conflicting but the treating doctor does answer a specific question posed by the claimant's attorney that the claimant's disability "was work related."

The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. This is equally true of medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Nothing in our review of the record indicates that to be the case.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TEXAS HOSPITAL INSURANCE EXCHANGE** and the name and address of its registered agent for service of process is

**ROBERT LAWRENCE DION
6300 LA CALMA, SUITE 550
AUSTIN, TEXAS 78761.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge