

APPEAL NO. 031469
FILED JULY 28, 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 May 6, 2003. With respect to the issue before him, the hearing officer determined that the appellant (claimant) had disability resulting from the compensable injury of _____, "for the period beginning on September 24, 2002 and continuing through October 26, 2002, as agreed by the parties, and for the period beginning on March 18, 2003 and continuing through the date of this hearing." The claimant appeals contending that she also had disability from October 27, 2002, through March 17, 2003. In its response, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. Disability was the sole issue to be resolved at the hearing. Disability is a question of fact to be determined by the hearing officer. Texas Workers' Compensation Commission Appeal No. 93560, decided August 19, 1993. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). Disability may be found not to exist for a period of time and then be found to reoccur at a later time. Texas Workers' Compensation Commission Appeal No. 971813, decided October 23, 1997 (Unpublished). Nothing in our review of the record demonstrates that the hearing officer's determination that the claimant did not have disability from October 27, 2002, through March 17, 2003, 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. This is so even though another fact finder may have drawn different inferences from the evidence, which would have supported a different result. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge