

APPEAL NO. 040264  
FILED MARCH 16, 2004

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 January 2, 2004. The hearing officer determined that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_, and that she had disability due to the compensable injury from June 24 through December 12, 2002, only. The claimant appeals the period of disability on sufficiency of the evidence grounds, asserting that disability continued through the date of maximum medical improvement found by the designated doctor. The respondent (carrier) responded, urging affirmance. The determination that the claimant sustained a compensable injury has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

We have reviewed the complained-of disability determination and find that the hearing officer did not err in determining that the claimant did not have disability after December 12, 2002, as a result of the compensable injury. The issue presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence, including the medical evidence. Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer simply was not persuaded that the claimant met her burden of proving that her disability continued after December 12, 2002. Although there was conflicting evidence in the record, the hearing officer cited medical records from the treating doctor that did not address disability after that time, and the report from the Texas Workers' Compensation Commission required medical examination doctor that noted that the compensable injury had resolved by the time of his examination on February 27, 2003. 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 determination is 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 that determination on appeal. 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 **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MARCUS MERRITT  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200  
IRVING, TEXAS 75063.**

---

Michael B. McShane  
Appeals Panel  
Manager/Judge

CONCUR:

---

Judy L. S. Barnes  
Appeals Judge

---

Gary L. Kilgore  
Appeals Judge