APPEAL NO. 040704
FILED MAY 19, 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 (CCH) was held on March 4, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that the claimant had disability beginning July 21, 2003, and continuing through the date of the CCH. The appellant (carrier) appealed, arguing that the hearing officer's injury and disability determinations are against the great weight and preponderance of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____, and had disability for the periods found. The claimant had the burden of proof on the injury and disability issues and they presented questions of fact for the hearing officer to resolve. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). In this instance, the hearing officer was persuaded by the claimant's testimony and medical evidence tending to demonstrate that he injured his back at work as claimed and that the injury resulted in disability. The hearing officer was acting within his province as the fact finder in so finding. Nothing in our review of the record demonstrates that the hearing officer's injury and disability determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore, no sound basis exists for us to reverse those determinations on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The carrier complains that the "brevity of decisions becomes a violation of due process-both parties are entitled to know why an administrative tribunal ruled the way it did." As we pointed out in Texas Workers' Compensation Commission Appeal No. 93955, decided December 8, 1993:

> The hearing officer is only required to make findings of fact and conclusions of law; he is not required to provide a Statement of the Case or Statement of the Evidence. *See* Section 410.168. When the hearing officer chooses to set forth more information in his decision, he is not

required to mention every piece of evidence admitted, but should generally provide a reasonably fair summary of the material.

We do not find the hearing officer's decision to be arbitrary and capricious and discern no violation of due process of the law based on the carrier's contention. We perceive no error.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION**
**350 NORTH ST. PAUL, SUITE 2900**
**DALLAS, TEXAS 75201**.

_____
Veronica L. Ruberto
Appeals Judge

CONCUR:

_____
Daniel R. Barry
Appeals Judge

_____
Chris Cowan
Appeals Judge