

APPEAL NO. 041133
FILED JULY 7, 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 April 14, 2004. The hearing officer determined that: (1) the appellant's (claimant) compensable injury of _____, extends to include internal derangement of the right knee; and (2) the claimant did not have disability as a result of the injury of _____, from December 12 through December 17, 2002, from December 20, 2002, through April 2, 2003, from April 17 through November 17, 2003, or from November 18, 2003, through April 14, 2004. The parties stipulated that the claimant did not have disability from December 12 through December 17, 2002, from December 20, 2002, through April 2, 2003, or from April 17 through November 17, 2003. The claimant appealed the hearing officer's disability determination, arguing that he had disability from November 18, 2003, through April 14, 2004, the date of the CCH. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed as reformed.

We note that the hearing officer's decision contains a typographical error with regard to a date. We reform that part of Conclusion of Law No. 4 and the decision to correct a typographical error to conform to the parties' stipulation and the evidence presented at the CCH. Conclusion of Law No. 4 and the relevant sentence in the decision are reformed to read as follows:

The claimant did not have disability as a result of the injury of _____, from December 12 through December 17; 2002 from December 20, 2002, through **April 2, 2003**; from April 17 through November 17, 2003; or from November 18, 2003, through April 14, 2004.

We have reviewed the complained-of determination and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. The issue of disability presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issue. 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 regarding disability 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).

The hearing officer's decision and order are affirmed, as reformed.

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

**DR. BP
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge