

APPEAL NO. 041749  
FILED AUGUST 30, 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 June 24, 2004. With respect to the issues before him, the hearing officer determined that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_, and that he had disability, as a result of his compensable injury, from April 29 through June 10, 2003. In his appeal, the claimant argues that the hearing officer erred in determining that his disability ended on June 10, 2003. In addition, the claimant argues that the hearing officer erred in resolving an extent-of-injury issue because no such issue was before him. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's disability ended on June 10, 2003. That issue 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). As the trier of fact, 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). There was conflicting evidence on the disputed issue and the hearing officer was acting within his province as the fact finder in giving more weight to the evidence tending to demonstrate that the claimant only had disability for the period found. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the disability determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). We cannot agree with the claimant's assertion that the hearing officer erred in determining that the degenerative conditions in the claimant's left knee "were not aggravated or enhanced by the incident at work on \_\_\_\_\_." The claimant contends that in making that determination, the hearing officer improperly considered and resolved an extent-of-injury issue that was not before him. We disagree. In this instance, the hearing officer simply identified the nature of the injury as he saw it in order to resolve the disability issue. He did not resolve an extent-of-injury issue and/or limit the scope of the injury because there was no such issue before him, thus, he did not have the authority to do so.

The hearing officer's decision and order are affirmed.

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

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

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Robert W. Potts  
Appeals Judge