

APPEAL NOS. 002834
AND 002835

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 14, 2000, a contested case hearing was held. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury sustained on _____, is a producing cause of claimant's lower back condition after _____; (2) the claimant did not sustain a compensable injury on _____; and (3) the claimant has not had disability from the claimed injury of _____. The claimant and carrier 1, who was the workers' compensation insurance carrier for the employer on _____, appealed. Carrier 2, who was the workers' compensation insurance carrier for the employer on February 1, 2000, responded.

DECISION

Affirmed.

There is conflicting evidence as to whether the claimant sustained a new compensable injury on February 1, 2000. The hearing officer decided that the claimant did not sustain a compensable injury on _____, and that the compensable injury sustained on _____, is a producing cause of the claimant's lower back condition after _____. 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 in the evidence and determines what facts have been established from the evidence presented. We conclude that the hearing officer's determinations are supported by sufficient evidence and that they are not so contrary to the great weight and preponderance of the evidence as to be clearly wrong and unjust. Since we are affirming the hearing officer's determination that the claimant did not sustain a compensable injury on _____, the claimant would not have disability as a result of that claimed injury. Section 401.011(16).

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge