

APPEAL NOS. 002888 AND 002889

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 September 13, 2000. The record closed on October 16, 2000, following its reopening on October 6, 2000, to clarify some confusion concerning the claimant's exhibits. The hearing officer held a consolidated hearing in two claims. In Docket No. 1 (Appeal No. 002889), the hearing officer determined that the claimant did not sustain a compensable injury to his low back on _____; that he did not have disability; and that he did not timely report his alleged injury. In Docket No. 2 (Appeal No. 002888), the hearing officer determined that the claimant had disability as a result of his _____, compensable foot injury from October 20 to November 21, 1999. The claimant appealed in each case essentially arguing that the hearing officer's determinations are against the great weight of the evidence. In its response to the claimant's appeals, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury to his low back on _____; that he did not timely report that alleged injury; and that he did not have disability as a result of the alleged _____, back injury. There was conflicting evidence on those issues and the hearing officer was acting within his province as the sole judge of the weight and credibility of the evidence under Section 410.165 in resolving those conflicts against the claimant. The hearing officer's injury, notice and disability determination in regard to the alleged _____, injury are sufficiently supported by the evidence and nothing in our review of the record demonstrates that those determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly no sound basis exists to reverse them on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). The claimant also appears to argue that the hearing officer's determination that his disability for the _____, compensable foot injury ended on November 21, 1999, is against the great weight of the evidence. Again, we find no merit in this assertion. The evidence supports the ending date of disability found by the hearing officer and the evidence in the record is not so contrary to that date as to compel its reversal on appeal. *Id.*

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge