

APPEAL NO. 010365

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On January 18, 2001, a hearing was held. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, does not extend to an injury to the claimant's head, ears, neck, right shoulder, right carpal tunnel syndrome (CTS), thoracic region, or low back, and that the claimant did not have disability after July 14, 2000. The claimant appealed and the respondent (carrier) responded. The carrier contends that the claimant's appeal was not timely filed. The claimant's appeal was timely filed.

DECISION

The hearing officer's decision on the extent-of-injury issue is reformed to conform to the hearing officer's findings of fact that the claimant did sustain an injury to her right shoulder in the course and scope of her employment on _____, and that the claimant did not sustain an injury to her head, ears, neck, right CTS, thoracic region, or low back in the course and scope of her employment on _____. As reformed to reflect that the claimant's compensable injury extends to an injury to her right shoulder but does not extend to an injury to the head, ears, neck, right CTS, thoracic region, or low back, the hearing officer's decision is affirmed.

The claimant testified that on _____, as she was bending forward to pick up tape at work, she fell on a clothes rack, hitting her chest. She said that she had pain in her chest and right shoulder. The parties stipulated that on _____, the claimant sustained a compensable right chest wall contusion. Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's findings of fact on the disputed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order, as reformed herein to reflect a compensable right shoulder injury, is affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge