

APPEAL NO. 011300
FILED JULY 19, 2001

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 May 22, 2001. With regard to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable (left wrist and hand) injury on _____, and that the claimant had disability from July 20, 2000, and continuing through the date of the CCH.

The appellant (carrier) appeals, primarily attacking the credibility of the claimant's testimony. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant testified how she fell forward out of her chair, injuring her left hand and wrist. The medical evidence supports that the claimant has a ganglion cyst on her left wrist, left carpal tunnel syndrome (CTS), and left ulnar neuropathy. Even the carrier's doctor comments that the claimant's ganglion cyst and CTS are "quite likely . . . a result from a fall" The carrier points to a prior motor vehicle accident and inconsistencies in some statements in attacking the claimant's credibility.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.)). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge