

APPEAL NO. 011499
FILED AUGUST 15, 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 was held on June 6, 2001. The hearing officer determined that the appellant's (claimant) compensable injury did extend to the left wrist, but did not extend to an injury to the back. The claimant has appealed the determination on sufficiency of the evidence grounds, asking that the decision that the injury did not extend to the back be reversed, or, at the least, that the decision be reformed to state that the injury does not extend to the "low back," as the injury to the neck (another part of the "back") has already been accepted by the respondent (self-insured). The self-insured urges affirmance of the hearing officer's decision and order. The determination regarding the left wrist was not appealed and has become final. Section 410.169.

DECISION

Affirmed, as reformed.

Whether a compensable injury extends to and includes a particular body part is a question of fact for the hearing officer to decide. After reviewing all the evidence, the hearing officer was persuaded that the claimant's compensable injury did include the left wrist, but that it did not extend to her back. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence and determines what facts have been proven (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). We are satisfied that the evidence is sufficient to support the challenged determination. 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). We do agree, however, with the claimant's position that the decision should be made more specific, to avoid any subsequent confusion, and we therefore reform the decision to state that "the claimant's September 11, 2000, compensable injury extends to the left wrist, but does not extend to an injury to the low back."

The decision and order of the hearing officer, as reformed, are affirmed.

Michael B. McShane
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge