APPEAL NO. 011657
FILED AUGUST 16, 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 21, 2001. The hearing officer determined that the appellant (claimant) sustained a compensable injury on _____, in the form of an incidental cut to the left leg; that the claimant timely notified the employer of the left leg cut; that the claimant did not have disability from the compensable injury; and, as to the added issue of whether the compensable injury extended to and included hepatitis C, that the injury did not extend to and include hepatitis C. The claimant has appealed only on the issue of whether the injury extended to and included hepatitis C, urging that the evidence was sufficient to meet his burden of proof. The respondent (carrier) responded that the evidence is sufficient to affirm the decision of the hearing officer. The issues that were not appealed have become final. Section 410.169.

DECISION

Affirmed.

The evidence sufficiently supports the hearing officer's determination that the claimant's compensable injury of _____, did not extend to and include hepatitis C. The hearing officer determined that the claimant's testimony and the medical reports in evidence did not establish that the claimant was exposed to hepatitis C at his workplace or that there was a causal connection between the hepatitis C and his workplace.

The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. Section 410.165(a). It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). We will reverse the factual determinations of a hearing officer only if those determinations are so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion of the evidence for that of the hearing officer.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(company)** and the name and address of its registered agent for service of process is **CH, or any officer, (address).**

Michael B. McShane
Appeals Panel

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge