

APPEAL NO. 011672
FILED AUGUST 23, 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 26, 2001. The hearing officer determined that the _____, compensable injury does not extend to and include the low back, right shin, right foot, rib cage, and buttocks, and that the appellant (claimant) had disability for the period from October 10, 2000, through October 27, 2000. The claimant has appealed the adverse determinations as to extent of injury, and as to the length of the period of disability. The respondent (carrier) has submitted a response to the appeal, urging that the determinations of the hearing officer be affirmed.

DECISION

Affirmed.

Whether a compensable injury extends to and includes a particular body part is a question of fact for the hearing officer to decide. The hearing officer did not find the claimant to be a credible witness, nor did she find the claimant's medical evidence to be persuasive. Section 410.165(a) provides that 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. 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 a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly 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 likewise affirm the decision of the hearing officer that the claimant had disability from October 10, 2000, through October 27, 2000. We cannot say that the hearing officer's determination as to disability is against the great weight of the evidence.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **VIRGINIA SURETY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY
800 BRAZOS
AUSTIN, TX 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge