

APPEAL NO. 011711
FILED SEPTEMBER 4, 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 27, 2001. The hearing officer determined that the respondent's (claimant) compensable injury of _____, extended to and included her lumbar spine and L4-5 herniated nucleus pulposus (HNP). The appellant (carrier) submitted a request for review, arguing that the evidence is insufficient to support the hearing officer's determination. The claimant submitted a response, urging affirmance.

DECISION

Affirmed.

The evidence sufficiently supports the hearing officer's determination that the claimant's compensable injury extends to and includes the lumbar spine and L4-5 HNP. The hearing officer determined that the claimant's testimony was credible and the medical evidence sufficiently established the causal connection between the claimant's lumbar spine condition and the original compensable injury. The hearing officer could determine from the evidence that the claimant's degenerative disc disease was aggravated as a result of the altered gait occasioned by the injury to her right knee and ankle. 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 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 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 **NATIONAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge