

APPEAL NO. 011716
FILED AUGUST 29, 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 July 9, 2001. The hearing officer determined that the respondent's (claimant) compensable injury sustained on _____, extended to include an injury to the cervical spine and that the claimant did not have any post-injury earnings after April 11, 2001. The appellant (carrier) has appealed on sufficiency of the evidence grounds. The claimant submitted a response to the appeal, urging that the hearing officer's decision be affirmed.

DECISION

Affirmed.

The evidence sufficiently supports the hearing officer's determination that the claimant's compensable injury extends to the cervical spine. At the CCH, the parties stipulated that the claimant sustained a compensable injury on _____. The hearing officer determined that the claimant's testimony was credible and the medical evidence sufficiently established the causal connection between the claimant's cervical spine condition and the compensable injury. The evidence likewise supports the hearing officer's finding that the claimant did not work after April 11, 2001, and that he did not have any post-injury earnings which would reduce his entitlement to temporary income benefits.

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 **RELIANCE NATIONAL 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, TX 75201.**

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge