

APPEAL NO. 011744
FILED SEPTEMBER 12, 2001

Following a contested case hearing held July 2, 2000, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). The hearing officer resolved the disputed issues by determining that the appellant's (claimant) _____, compensable injury does not include the left inguinal hernia and that, based on the report of the designated doctor, the claimant reached maximum medical improvement on September 20, 2000, with an impairment rating of 11%. The claimant has appealed the extent-of-injury determination. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant testified that on _____, while he and a coworker were lifting a heavy box filled with window parts, his end of the box gave way and he felt pain in his back and right groin area; that he was diagnosed with a right inguinal hernia which was surgically repaired; that the carrier accepted liability for injuries to his back, right shoulder, right elbow, and right inguinal hernia; and that the right hernia was surgically repaired on June 25, 1999. The claimant stated that although he did not begin to experience pain in his left groin area until some after the lifting incident, he contended that he sustained a left inguinal hernia at the same time. He conceded that he subsequently lifted items for his wife's business but denied lifting anything heavy. The claimant did not identify any medical record showing a diagnosis of the left inguinal hernia earlier than August 1999.

Whether the claimant's compensable injury of _____, extended to a left inguinal hernia was a question for the hearing officer to resolve and the claimant had the burden of proof by a preponderance of the evidence. 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 (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 challenged determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. 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).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TEXAS WORKERS' COMPENSATION INSURANCE FUND** (effective September 1, 2001, the true corporate name of the insurance carrier is **Texas Mutual Insurance Company** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge