

APPEAL NO. 011750  
FILED SEPTEMBER 10, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on July 12, 2001, the hearing officer determined that the respondent/cross-appellant's (claimant) compensable injury of \_\_\_\_\_, extends to and includes an injury to her right shoulder but not to her head, thoracic spine, and lumbar spine, and that she has had disability from March 6, 2001, through the date of the hearing. The appellant/cross-respondent (carrier) has appealed, challenging the sufficiency of the evidence to support the determinations that the claimant's compensable injury extends to her right shoulder and that she has had disability resulting from her compensable injury since March 6, 2001. The claimant has also appealed, asserting that the hearing officer erred in failing to find that her compensable injury extends to her head, thoracic spine, and lumbar spine. The carrier filed a response to the claimant's appeal. The file does not contain a response from the claimant.

DECISION

Affirmed.

The hearing officer did not err in making the challenged factual determinations. The claimant testified that on \_\_\_\_\_, she was cleaning the legs of a table in the restaurant kitchen where she worked and that as she arose from a squatting position while lifting a bucket of water, she slipped and fell backwards, striking her head, neck, and back on the floor. The parties stipulated that the claimant's neck was injured in the fall. The claimant conceded that she continued to work for three and one-half months before seeking medical treatment, albeit in pain, explaining that she feared the loss of her job. The claimant's treating doctor, Dr. G, has twice reported that, given the nature of the claimant's fall, it was his opinion that her right shoulder was injured at that time. Dr. N report of December 18, 2000, reflects his opinion that, in addition to her neck injury, the claimant's right shoulder was injured in the fall. The March 6, 2001, report of Dr. B, appointed by the Texas Workers' Compensation Commission to examine the claimant, reflects that he attributes the claimant's right shoulder injury to her fall and that while her neck and back symptoms have abated, her right shoulder is still a problem.

It is the hearing officer who is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and who, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The Appeals Panel, an appellate reviewing tribunal, will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (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 **UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DAVID VAN TIEN  
450 GEARS ROAD, SUITE 750  
HOUSTON, TEXAS 77067.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Michael B. McShane  
Appeals Judge