

APPEAL NO. 011905  
FILED SEPTEMBER 20, 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 July 10, 2001. The appellant (claimant) appeals the hearing officer's determination that the claimant's compensable injury of \_\_\_\_\_, does not extend to her right shoulder. The respondent (carrier) responded, requesting affirmance.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that the claimant sustained a compensable injury to her right wrist on \_\_\_\_\_. The injury occurred when the claimant was setting down a tray of food at work. The parties also stipulated that the compensable injury extends to and includes an injury to the right elbow. The parties further stipulated that the compensable injury does not extend to or include an injury to the neck/cervical spine, reflex sympathetic dystrophy, or pronator syndrome. After taking the foregoing stipulations, the extent-of-injury issue was limited to whether the compensable injury extends to and includes the claimant's right shoulder.

Conflicting evidence was presented regarding the disputed issue. It appears that the first complaint of right shoulder problems recorded in the medical records was in January 2000. Since that time, various diagnoses have been made regarding the claimant's right shoulder. While the claimant may have some damage or harm to her right shoulder, whether an injury to the right shoulder arose in the course and scope of her employment was a fact question for the hearing officer to determine. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The weight to be given to the claimant's testimony and to the conflicting medical opinions was for the hearing officer to determine as the finder of fact. We have held that the question of the extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. The hearing officer's decision that the compensable injury does not include an injury to the right shoulder is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

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

**JAMES D. SANSING  
6805 CAPITOL OF TEXAS HIGHWAY NORTH, SUITE 260  
AUSTIN, TEXAS 78731-1716.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge