

APPEAL NO. 012058
FILED OCTOBER 9, 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 30, 2001. With respect to the disputed issues, the appellant (claimant) appealed the hearing officer's determination that the claimant's compensable injury of _____, does not extend to and include left carpal tunnel syndrome (CTS) and that he has disability only from June 1, 2000, until September 1, 2000. The respondent (carrier) responds, urging affirmance.

DECISION

The hearing officer's decision is affirmed.

"Compensable injury" is defined in Section 401.011(10). It is undisputed that the claimant sustained a compensable injury while driving a pilot car on a construction site when he was hit from behind by a sports utility vehicle. The issue before the hearing officer regarded the extent of the compensable injury. Conflicting evidence was presented regarding the extent of the compensable injury. 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 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 claimant's compensable injury does not extend to and include CTS 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.

"Disability" means the "inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." Section 401.011(16). The determination as to an employee's disability is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 92147, decided May 29, 1992. There was sufficient evidence to support the hearing officer's determination that the claimant's disability extended from June 1, 2000, until September 1, 2000, the date on which the claimant's treating doctor certified that the claimant had reached maximum medical improvement with a zero percent impairment rating, and released him to work without restrictions.

The hearing officer's decision and order are affirmed.

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

**GARY SUBOL, ATTORNEY
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge