

APPEAL NO. 012064
FILED OCTOBER 12, 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 August 1, 2001. With respect to the disputed issues, the appellant (claimant) appealed the hearing officer's determination that the claimant did not sustain a compensable injury to her right knee or left wrist. The respondent (carrier) has not filed a response. The hearing officer's determination that the claimant sustained a compensable injury to her right ankle on _____, and that she had disability as a result of the compensable injury from March 15, 2001, through the date of the CCH, has not been appealed.

DECISION

Affirmed.

The appeal in this case is limited to a narrow question. The claimant appeals, contending that the hearing officer's determination that the claimant did not injure her right knee and left wrist exceeded the scope of the issues to be determined. The issue was: "Did the claimant sustain a compensable injury on _____." The claimant's position stated in the benefit review conference (BRC) report was that she "sustained an ankle fracture and torn ligaments in the right foot, fracture of the left wrist and torn ligaments in the right knee." The carrier's position, as reported, was that the claimant was not in the course and scope of her employment at the time of the accident. Neither party submitted any comments on the BRC report. The claimant testified that she injured her right knee, left wrist, and right ankle. Whether or not a formal "extent of injury" question was before the hearing officer, our review of the record in this case discloses that the parties litigated the question of whether an accident occurred in the course and scope of employment on _____, and whether the claimant injured her right ankle, right knee, and left wrist as a result of this accident. See Texas Workers' Compensation Commission Appeal No. 971411, decided September 4, 1997. The claimant's testimony was not limited solely to an ankle injury. In the Statement of the Evidence portion of her decision and order, the hearing officer notes that there was limited testimony regarding a knee injury and no complaint of left wrist pain until May 2, 2001, and that the medical records do not reflect a right knee injury or left wrist injury. The hearing officer clearly had sufficient evidence before her from which she could appropriately identify and define the claimant's compensable injury.

Because we believe an issue of whether the claimant injured her left wrist and right knee as claimed was before the hearing officer and the hearing officer made findings on this issue, we affirm the decision of the hearing officer. The remaining findings of a compensable right ankle injury and disability have become final.

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. The hearing officer's decision that the claimant did not sustain a compensable injury to her left wrist and right knee 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 **HARTFORD UNDERWRITERS INSURANCE** and the name and address of its registered agent for service of process is

**BARBARA SACHSE
9020 N. CAPITAL OF TEXAS HWY, SUITE 555
AUSTIN, TEXAS 78759-7232.**

Michael B. McShane
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge