

APPEAL NO. 012354  
FILED NOVEMBER 14, 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 September 5, 2001. The hearing officer resolved the disputed issue by determining that the appellant/cross-respondent's (claimant) \_\_\_\_\_, right hand and wrist compensable injury extends to and includes her left upper extremity, but that it does not extend to or include her cervical spine, either shoulder, or her mental depression. No evidence was presented on the issue of mental depression. The claimant appeals the hearing officer's determination that her compensable injury does not extend to her cervical spine or either shoulder. The respondent/cross-appellant (carrier) responds, urging affirmance of those determinations. The carrier appeals the hearing officer's determination that the claimant's compensable injury extends to and includes her left upper extremity. There is no response to the carrier's cross-appeal in the file.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to her right hand and wrist on \_\_\_\_\_, which eventually required surgery in February of 1998. The claimant testified that she returned to work immediately after the surgery, and began to develop symptoms in her left upper extremity which she attributes to overcompensating for the right side. The claimant further testified that she developed problems in her cervical spine and shoulders from constantly bending over at the neck to inspect sunglasses.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). An injury is "damage or harm to the physical structure of the body and a disease or infection naturally resulting from the damage or harm." Section 401.011(26). Whether an employee has "a disease or infection naturally resulting from the damage or harm," or whether an injury extends to a particular member of his body, is a factual matter for the hearing officer to determine. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was a substantial amount of conflicting medical evidence presented at the hearing to support the claimant's and the carrier's respective positions. The hearing officer determined that the claimant failed to meet her burden of proof to show that her neck and shoulder conditions were related to her work activities, but that she did prove that her compensable injury extends to her left upper extremity. The hearing officer was acting within his role as fact finder in making these determinations. Nothing in our review of the records indicates that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Pool

v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**C.T. CORPORATION SYSTEM  
350 N. ST. PAUL STREET  
DALLAS, TX 75201.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge