

APPEAL NO. 012378  
FILED NOVEMBER 8, 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 11, 2001. The hearing officer determined that the appellant's (claimant) \_\_\_\_\_, compensable injury did not extend to include injuries to the right elbow, right wrist, and right shoulder. The claimant appealed, arguing that the evidence, including the medical evidence, established that the compensable injury did extend to the right wrist, right elbow, and right shoulder. The respondent (carrier) replied, and requested that the determinations of the hearing officer be affirmed.

DECISION

Affirmed.

Whether a compensable injury extends to and includes a particular body part is a question of fact for the hearing officer to decide. The hearing officer did not find the testimony of the claimant or the claimant's medical evidence to be sufficient to meet the claimant's burden of proof. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). 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). We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion of the evidence for that of the hearing officer.

We affirm the decision and order of the hearing officer.

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

**PAUL DAVID EDGE  
6404 INTERNATIONAL PARKWAY, SUITE 1000  
PLANO, TEXAS 75093.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge