

APPEAL NO. 012413
FILED NOVEMBER 15, 2001

This case returns following our remand in Texas Workers' Compensation Commission Appeal No. 011737, decided August 21, 2001, where we remanded the case for the required carrier information. A hearing on remand was held on September 25, 2001, but neither party appeared at the hearing because the required carrier information was forwarded to the Texas Workers' Compensation Commission on September 4, 2001, for admission into evidence. The hearing officer's decision and order was reissued without modification. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to an injury to his cervical spine, lumbar spine, or right wrist. The claimant appeals that determination on sufficiency grounds. The respondent (carrier) responds and urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury does not extend to the cervical spine, lumbar spine, or right wrist. That issue presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence on the issue of the nature and extent of the claimant's _____, compensable injury. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer's determination that the claimant's compensable injury does not extend to the cervical spine, lumbar spine, or right wrist is not so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse the challenged determination on appeal. 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge