

APPEAL NO. 012544
FILED DECEMBER 4, 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 12, 2001, and September 20, 2001. With regard to the restated issue, the hearing officer determined that the compensable injury of _____, is a producing cause of the respondent's (claimant) current conditions of reactive airway dysfunction, sinusitis, allergic rhinitis, asthma, urethrocytoecele, rectocele and bladder incontinence after October 30, 2000. The appellant (carrier) appeals the determination on sufficiency grounds. The claimant urges affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable chemical exposure occupational disease injury on _____, "in the form of an occupational disease which included reactive airway dysfunction, sinusitis, allergic rhinitis, asthma, urethrocytoecele, rectocele and bladder incontinence." Notwithstanding, the carrier now asserts that the work-related chemical exposure ceased to be a producing cause of the claimant's conditions after October 30, 2000. The carrier contends that the claimant's ongoing symptoms relate to her preexisting allergic physiology, rather than the chemical exposure injury which would have caused only a temporary aggravation of her preexisting conditions.

As the hearing officer notes in her Statement of the Evidence, the heart of the controversy is whether the carrier continues to be liable for the payment for treatment of the stipulated compensable conditions after October 30, 2000. There were voluminous medical records and the testimony of one of the carrier's peer review doctors in this case. There was certainly conflicting medical evidence presented with regard to this issue. Our review of the record indicates that the hearing officer carefully considered the medical records and testimony in reaching her conclusion. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's decision 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 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **TRANSPORTATION INSURANCE 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, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge