

APPEAL NO. 012570  
FILED DECEMBER 5, 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 October 5, 2000. The hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, extended to include right carpal tunnel syndrome (CTS) but did not extend to and include an injury to the cervical spine. The claimant appeals each and every determination "rendered against the claimant." The carrier urges affirmance of the hearing officer's determination with regard to the cervical spine but "agrees with the Claimant's Request for Review to the extent that she has appealed the [determination] regarding [CTS]."

DECISION

Affirmed.

The claimant had the burden to prove that the compensable injury extended to the cervical spine and that she sustained damage or harm to her cervical spine, arising out of and in the course and scope of her employment. Texas Workers' Compensation Commission Appeal No. 91028, decided October 23, 1991. There was conflicting evidence presented with regard to this issue. 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 determination on extent of injury issue 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).

As stated above, the carrier argues with what it perceives is an appeal of the CTS determination. The carrier's request was not timely filed as an appeal of the hearing officer's decision but was conditioned upon our review of such determination in the course of addressing the claimant's appeal. Because the claimant did not appeal the hearing officer's determination with regard to CTS, we decline to address that matter. Accordingly, we decline to address the carrier's request.

The decision and order of the hearing officer 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, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L.S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge