

APPEAL NO. 012575  
FILED DECEMBER 3, 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 (CCH) was held on September 19, 2001. The hearing officer determined that the compensable injury of \_\_\_\_\_, does not extend to or include the left elbow ulnar nerve entrapment, that the appellant (claimant) does not have disability, and that the employer did not tender a bona fide offer of employment to the claimant.

The claimant appealed, arguing that the hearing officer erred in determining extent of injury and disability. The respondent (carrier) filed a response urging affirmance of the hearing officer's decision.

DECISION

Affirmed.

The claimant testified that on \_\_\_\_\_, while at work on a pig farm he was struck on the back of his left hand by a handle. The medical records in evidence dated \_\_\_\_\_, show that the claimant was diagnosed with a left hand contusion when he was treated at the emergency room. The claimant testified that he returned to work light duty cleaning, doing laundry, and handling baby pigs. The claimant testified that he used both his hands to perform the light-duty work. The employer's representative testified that the claimant was accommodated with various light-duty jobs. The medical records in evidence dated May 14, 2001, show that the claimant was diagnosed with severe left ulnar neuropathy, with severe slowing at the elbow, and carpal tunnel syndrome at the wrist. The employer's representative testified that the claimant was terminated on May 16, 2001, for not showing up to work for three consecutive days. The claimant alleges disability from May 17, 2001, to the date of the CCH.

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, does not extend to or include the left elbow ulnar nerve entrapment. The 1989 Act defines injury, in pertinent part, as "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). Extent of injury is a fact question for the hearing officer. Texas Workers' Compensation Commission Appeal No. 960407, decided April 10, 1996. The hearing officer was not persuaded by the claimant's testimony or the medical reports in evidence that the compensable injury extended to or included the left elbow ulnar nerve entrapment.

The hearing officer determined that the "Claimant's inability to earn wages equivalent to his pre-injury wage after May 16, 2001, was not because of the left hand contusion injury of \_\_\_\_\_." This factual determination by the hearing officer is supported by sufficient evidence.

It is the hearing officer, as the sole judge of the weight and credibility of the evidence (Section 410.165(a)), who resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

---

Michael B. McShane  
Appeals Judge

CONCUR:

---

Thomas A. Knapp  
Appeals Judge

---

Robert W. Potts  
Appeals Judge