

APPEAL NO. 013131
FILED JANUARY 29, 2002

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 December 6, 2001. The hearing officer determined that the appellant's (claimant) compensable left upper extremity injury of _____, did not extend to include an injury to the cervical and thoracic spine.

The claimant appeals "each and every finding of fact and conclusion of law . . . that is against the Claimant" based on sufficiency of the evidence. The respondent (self-insured) responds urging affirmance.

DECISION

Affirmed.

The claimant sustained a compensable upper extremity injury on _____, and treated with some medical doctors for her upper extremity injury without mention of neck or back problems for about eight months, was certified to be at maximum medical improvement, and returned to work, first at light duty, then at regular duty. In April of 2001 the claimant changed treating doctors to a chiropractor who diagnosed "constant" cervical and upper-back pain. The hearing officer found that the medical evidence was "insufficient to establish a casual relationship between the Claimant's cervical and thoracic spine conditions and the compensable left [upper extremity] injury of _____."

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), 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 the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer's decision is supported by sufficient evidence and is not 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).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is _____ **CORPORATION and Subsidiaries, a certified self-insured** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY, CINDY HARRIS
800 BRAZOS
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge