

APPEAL NO. 013142
FILED JANUARY 28, 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 3, 2001. The hearing officer determined that the appellant (claimant) sustained a compensable left shoulder injury on _____, which resolved no later than August 21, 2001; that the claimant's correct impairment rating (IR) is zero percent; and that the claimant did not sustain a cervical spine injury on _____. On appeal, the claimant expresses disagreement with the hearing officer's decision and contends that the cervical condition is part of the compensable injury. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The claimant contends that the hearing officer erred in determining that the compensable left shoulder injury sustained by the claimant on _____, had resolved no later than August 21, 2001, and that her correct IR is zero percent. The designated doctor in this case assigned eight percent IR for the claimant's cervical spine, which is not part of the compensable injury, and zero percent IR for the left shoulder injury. The hearing officer found that the great weight of the other medical evidence is not contrary to the designated doctor's zero percent IR for the compensable left shoulder injury. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. We have reviewed the complained-of determinations and conclude that they are 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 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 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

CONCUR IN THE RESULT:

Thomas A. Knapp
Appeals Judge