

APPEAL NO. 013195
FILED FEBRUARY 7, 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 November 20, 2001. With respect to the disputed issue, the hearing officer determined that the respondent's (claimant) compensable injury of _____, includes cervical herniated nucleus pulposus (HNP) at C6-7 with cervical radiculopathy. The appellant (carrier) appeals that determination on sufficiency of the evidence grounds. There is no response from the claimant contained in our file.

DECISION

Affirmed.

"Compensable injury" is defined in Section 401.011(10). It is undisputed that the claimant sustained a compensable injury to her neck. The issue before the hearing officer regarded the extent of the compensable injury, and conflicting evidence was presented regarding the issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The weight to be given to the claimant's testimony and the conflicting medical opinions was for the hearing officer to determine as the finder of fact. The hearing officer's decision that the claimant's compensable injury includes the cervical HNP at C6-7 with cervical radiculopathy is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ST. PAUL FIRE & MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Terri Kay Oliver
Appeals Judge