

APPEAL NO. 013203  
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 respondent's (claimant) compensable left wrist injury "includes the TFCC [triangular fibrocartilage] tear" in the claimant's left wrist.

The appellant (carrier) appeals, contending that the hearing officer's decision is not supported by the evidence and citing several medical reports to support its position. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant was a secretary, and it is undisputed that she sustained a compensable left wrist injury when a supply drawer closed on her left wrist. The claimant saw a number of doctors and had diagnostic testing, including an MRI. The medical reports were somewhat equivocal and subject to differing interpretations. The hearing officer placed the burden of proof on the claimant and found that the mechanism of the injury and some medical evidence supported "the conclusion that the TFCC tear is part of the compensable injury."

The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviews the evidence, assesses its weight and credibility, and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when his determinations are not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995. In its appeal, the carrier emphasizes the same factors it emphasized at the hearing. The significance of those factors and reports was a matter left to the determination of the hearing officer as the fact finder. We conclude that there is sufficient evidence to support the hearing officer's decision. As such, no sound basis exists for us to disturb the hearing officer's determination on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN  
ACE USA  
6600 E. CAMPUS CIRCLE DRIVE, SUITE 200  
IRVING, TEXAS 75063.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Susan M. Kelley  
Appeals Judge