

APPEAL NO. 020213
FILED MARCH 12, 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 (CCH) was held on January 11, 2002. The hearing officer resolved the disputed issues by deciding that the appellant/cross-respondent's (claimant) compensable injury of _____, extends to include a ganglion cyst at the right wrist and tendinitis of the right upper extremity, but does not extend to include right carpal tunnel syndrome and tenosynovitis of the right wrist, and that the claimant has had disability from May 18, 2001, through the date of the CCH. The claimant appealed that portion of the decision that is adverse to her on the extent-of-injury issue, and the respondent/cross-appellant (carrier) appealed that portion of the extent-of-injury issue that is adverse to it and the disability determination. Both parties filed a response.

DECISION

The hearing officer's decision and order are affirmed.

It is undisputed that the claimant sustained a compensable injury on _____. The issues regarding the extent of the claimant's compensable injury and disability, as defined by Section 401.011(16), presented fact questions for the hearing officer to determine from the evidence presented. The claimant's current treating doctor opined that from a standpoint of medical certainty, the claimant's current condition resulted from her injury, and he took the claimant off work beginning on May 18, 2001. Conflicting evidence was presented on the disputed issues, including diagnostic test results. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We note that since tendinitis and tenosynovitis have different ICD-9 codes, they do not necessarily represent the same diagnosis as is contended by the carrier. We conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and are 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 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CRUM & FORSTER INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**PAUL DAVID EDGE
6404 INTERNATIONAL PARKWAY, SUITE 1000
PLANO, TEXAS 75093.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge