

APPEAL NO. 020306
FILED MARCH 19, 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 January 16, 2002. The hearing officer determined that (1) the compensable injury sustained on _____, extended to include a cervical strain/sprain but did not include multilevel degenerative dessication of the intervertebral discs with straightening of the normal cervical lordosis and minimal narrowing of the intervertebral discs and small central disc herniations/protrusions at C3-4, C4-5, C5-6 without deformity of the spinal cord and with minimal to mild central spinal canal stenosis; and (2) the appellant/cross-respondent (claimant) had disability from June 13, 2001, to July 18, 2001, resulting from the injury sustained on _____. The claimant appealed the extent of injury determination with regard to the excluded conditions, on sufficiency grounds. The respondent/cross-appellant (carrier) urges affirmance of the appealed determination. The carrier cross-appealed the extent-of-injury determination with regard to the included conditions and the disability determination, on sufficiency grounds. The claimant urges affirmance of the cross-appealed determination.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determination. The determination involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Edward Vilano
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Thomas A. Knapp
Appeals Judge