

APPEAL NO. 020366  
FILED ON APRIL 9, 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 22, 2002. The hearing officer resolved the sole disputed issue by deciding that the respondent's (claimant) compensable right arm injury of \_\_\_\_\_, extended to and included the claimant's injury to her right shoulder and right shoulder region. The appellant (carrier) appealed the hearing officer's extent-of-injury determination on sufficiency grounds, and the claimant responded, urging that the hearing officer's decision and order be affirmed in its entirety.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable right arm injury of \_\_\_\_\_, extended to and included a right shoulder and right shoulder area injury. The hearing officer decided that the claimant's testimony about her injury was credible and determined that the medical records showed that she had been complaining of pain in the right shoulder area since the date of the incident. The medical records included MRIs showing soft tissue injury to her right shoulder. The carrier presented testimony from a reviewing doctor to the effect that the alleged shoulder injury did not show up in the medicals until five to six weeks after the incident and it should have been immediate. However, the hearing officer opined that the reviewing doctor would have had to disregard the claimant's immediate complaints of pain noted in the records, particularly in her physical therapist's notes, to come to that conclusion, and that he appeared to have "positioned himself" against the claimant and the compensability of her shoulder injury. The parties presented conflicting evidence regarding each issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We conclude that the hearing officer's decision is supported by sufficient evidence and that it 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 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the carrier is **AMERICAN CASUALTY COMPANY OF READING** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Terri Kay Oliver  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge