

APPEAL NO. 020383
FILED APRIL 2, 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 September 27, 2001. When the case was appealed and came to the Appeals Panel after that CCH, the transcript and exhibits were missing. By our decision in Texas Workers' Compensation Commission Appeal No. 012498, decided December 3, 2001, we remanded the case back to the hearing officer for reconstruction of the record. The same hearing officer held another CCH on February 7, 2002, and reconstructed the record. With regard to the issue before him, the hearing officer determined that the compensable injury of _____, extends to and includes torn medial menisci of both knees, and that the compensable injury of _____, does not extend to or include an injury to the left upper extremity, left hip, urological problems, or sexual dysfunction. The appellant (claimant) appealed, arguing essentially that the hearing officer's decision that the compensable injury does not extend to or include an injury to the left upper extremity, left hip, urological problems, or sexual dysfunction is against the great weight and preponderance of the evidence. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The extent-of-injury issue 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).

We affirm the decision and order of the hearing officer.

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

**PRENTICE-HALL CORPORATION SYSTEM, INC.
800 BRAZOS
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge