

APPEAL NO. 020404
FILED APRIL 8, 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 November 28, 2001, with the record closing January 14, 2002. The hearing officer determined that the compensable injury sustained by the appellant (claimant) on _____, does not extend to and include degenerative spine disease, degenerative joint disease, facet versus lumbar disc syndrome, injuries to the hips and legs, and a herniated nucleus pulposus. On appeal, the claimant expresses disagreement with this determination. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

Conflicting evidence was presented at the hearing regarding the extent of the injuries sustained by the claimant on the date of injury. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). We have reviewed the matters complained of by the claimant on appeal and conclude that the hearing officer's decision is not 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, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **TEXAS HOSPITAL INSURANCE EXCHANGE** and the name and address of its registered agent for service of process is

**ROBERT DION, PRESIDENT/CEO
TEXAS HOSPITAL INSURANCE EXCHANGE
800 AIRPORT FREEWAY, SUITE 1012
IRVING, TEXAS 75062.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge