

APPEAL NO. 020518
FILED APRIL 4, 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 February 22, 2002. The hearing officer resolved the disputed issues by concluding that the appellant's (claimant) compensable (electrical shock to the right upper extremity) injury of _____, does not include right carpal tunnel syndrome (CTS) and that the claimant did not have disability resulting from the claimed injury. The claimant appeals, contending that the decision and order of the hearing officer is against the great weight of the evidence. The respondent (carrier) replies, urging affirmance.

DECISION

Affirmed.

The claimant testified that she worked as a teacher. The parties stipulated that the claimant sustained a compensable injury on _____, when she received an electrical shock to her right upper extremity while using her computer.

The hearing officer's determination that the compensable electrical shock injury of _____, did not include right CTS is supported by sufficient evidence. Extent of injury is a fact question for the hearing officer. Texas Workers' Compensation Commission Appeal No. 001909, decided September 27, 2000. There was conflicting medical evidence presented with regard to whether the electrical shock injury caused the CTS. Additionally, the claimant had the burden to prove that she had disability as that term is defined in Section 401.011(16). Texas Workers' Compensation Commission Appeal No. 94248, decided April 12, 1994. The hearing officer was persuaded that the claimant's disability was due to the claimed injury of right CTS, which the hearing officer determined was not sustained as a result of the compensable electrical shock injury.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). As an appellate-reviewing tribunal, the Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

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

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Terri Kay Oliver
Appeals Judge