

APPEAL NO. 020631
FILED APRIL 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 February 20, 2002. With respect to the disputed issues, the appellant (carrier) appealed the hearing officer's determination that the compensable injury includes and extends to the respondent's (claimant) right-hand reflex sympathetic dystrophy and the hearing officer's determination to exclude testimony from a witness not properly named in the carrier's witness list. The claimant files a response urging affirmance.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury to her right hand. The issue before the hearing officer regarded the extent of the compensable injury. We have held that the question of the extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. 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 determination is 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 carrier also appeals the hearing officer's decision to exclude the testimony of a required medical examination doctor. We review the hearing officer's ruling on an abuse-of-discretion standard. We have held that to obtain reversal of a judgment based upon error in the admission or exclusion of evidence, the complaining party must show that the error was reasonably calculated to cause and probably did cause the rendition of an improper judgment. Hernandez v. Hernandez, 611 S.W.2d 732 (Tex. Civ. App.-San Antonio 1981, no writ). In this case, the hearing officer excluded the testimony of the doctor on the basis that his name was not exchanged as a witness. See Sections 410.160(4) and 410.161. We find no abuse of discretion in the hearing officer's exclusion of the testimony of a witness whose name was untimely exchanged.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CONNECTICUT INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge