

APPEAL NO. 020666
FILED APRIL 30, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on February 12, 2002, the hearing officer determined that the appellant's (claimant) compensable left wrist injury sustained on _____, does not extend to and include a ganglion cyst of the left wrist. The claimant has appealed this determination on evidentiary sufficiency grounds. The respondent (self-insured) urges in its response the sufficiency of the evidence to support an affirmance.

DECISION

Affirmed.

The claimant testified that on _____, she lifted a wheelbarrow full of sand to dump it and injured her left arm. The parties stipulated that the claimant sustained a compensable left wrist injury on _____. The claimant, who stated that she had not had any prior injury to her left wrist, further testified that she continued to work and self-treated the pain until April 2, 2001, when the pain became severe as she was handling some playground equipment and that she then sought medical treatment; that she was treated by two medical doctors, including Dr. B, an orthopedic surgeon, who eventually assigned her an impairment rating (IR) of three percent; and that she changed treating doctors to Dr. C, a chiropractor, who took her off work and who has opined that her ganglion cyst is related to her _____, injury. The medical evidence relating her left wrist ganglion cyst to her _____, injury is in conflict.

The claimant had the burden to prove that she sustained the claimed injury. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MAYOR
(ADDRESS)
(CITY), TX (ZIP CODE).**

Philip F. O'Neill
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge