

APPEAL NO. 020680
FILED MAY 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 March 1, 2002. The hearing officer resolved the issue before her by determining that the respondent's (claimant) compensable injury of _____, includes an injury to her right shoulder and right trapezius but does not include an injury to her right elbow. The appellant (carrier) appeals the determination of extent of injury to the right shoulder and right trapezius on sufficiency of the evidence grounds. There is no appeal or response from the claimant.

DECISION

Affirmed.

Because neither party appealed the hearing officer's determination that the claimant's compensable injury did not extend to her elbow, that determination has become final under Section 410.169.

The hearing officer did not err in determining that the claimant's compensable injury extends to and includes her right shoulder and right trapezius. The parties presented conflicting evidence on the issue, but the hearing officer decided that the medical records, particularly those from the Texas Workers' Compensation Commission-appointed doctor, supported her determination on extent of injury. The hearing officer is the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). We conclude that the hearing officer's determination that the claimant's compensable injury extended to and included injury to her right shoulder and trapezius is supported by the evidence and that it 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); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The decision and order of the hearing officer are affirmed.

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

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

Philip F. O'Neill
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Michael B. McShane
Appeals Judge