

APPEAL NO. 020728
FILED MAY 15, 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 6, 2002. The hearing officer resolved the disputed issues before her by determining that the respondent (claimant) sustained a compensable repetitive trauma injury to her cervical spine and right upper extremity on _____, and that she had disability from September 28, 2001, through December 1, 2001. The appellant (carrier) appealed these determinations and the claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in deciding that the claimant sustained a compensable repetitive trauma injury on _____, and had disability resulting from the compensable injury from September 28, 2001, through December 1, 2001. Conflicting evidence was presented on the disputed issues. The hearing officer determined that the claimant and her treating doctor presented credible evidence in support of the claimant's position. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as 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 Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer's injury and disability determinations are not so against the great weight of the evidence as to compel their reversal on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

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

Daniel R. Barry
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge