

APPEAL NO. 020897  
FILED MAY 30, 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 April 3, 2002. The hearing officer determined that (1) the compensable injury sustained on \_\_\_\_\_, extends to and includes right shoulder rotator cuff tear and right lateral epicondylitis, but does not extend to include right carpal tunnel syndrome (CTS); and (2) the respondent (claimant) had disability from January 16, 2002, through the date of the hearing, resulting from the injury sustained on \_\_\_\_\_. The appellant (carrier) appeals the extent-of-injury determination, with regard to right shoulder rotator cuff tear and right lateral epicondylitis, and the disability determination on sufficiency grounds. The claimant urges affirmance. The hearing officer's determination with regard to right CTS was not appealed and is, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. 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 determinations are 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 decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Roy L. Warren  
Appeals Judge