

APPEAL NO. 021376
FILED JUNE 26, 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 17, 2002. The hearing officer determined that the claimant's compensable (cervical herniation, right shoulder sprain, and right elbow strain) injury does not include or extend to include right carpal tunnel syndrome (CTS).

The claimant appeals, pointing to medical evidence that supports her position. The carrier responds urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant, a school custodian, sustained a compensable cervical herniation, right shoulder, and right elbow injury lifting a heavy box of textbooks on _____. The claimant was initially treated for her compensable injuries although there are references of occasional right hand numbness. The medical evidence, and to some extent the claimant's testimony, was conflicting and medical evidence of right CTS indicates that it was preexisting or was caused by repetitive trauma rather than the single lifting incident of _____.

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. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and determine what facts have been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ).

After review of the record before us and the complained-of determination, we have concluded that there is sufficient support for the hearing officer's decision. 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**ZS
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge