

APPEAL NO. 021399
FILED JULY 12, 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 (CCH) was held on May 7, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____; that the compensable injury of _____, does extend to and include reflex sympathetic dystrophy (RSD), in addition to other diagnosed repetitive soft tissue disorders; and that the claimant does have disability as a result of the compensable injury of _____, beginning on _____, and continuing through the date of the CCH. The appellant (carrier) appeals, arguing that the hearing officer's determinations are against the great weight and preponderance of the evidence. The claimant responds, urging affirmance.

DECISION

Affirmed.

The issues of whether the claimant sustained a compensable injury; whether the compensable injury included RSD, in addition to other diagnosed repetitive soft tissue disorders; and whether the claimant had disability were questions of fact for the hearing officer. Due to controversy surrounding the claimant's diagnoses, the Texas Workers' Compensation Commission (Commission) appointed a required medical examination (RME) doctor. Conflicting evidence was presented regarding the issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. 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). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). We have reviewed the complained-of determinations. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain, supra; In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). While the carrier complains that the hearing officer did not decide the case in accordance with the opinion of the Commission-appointed RME doctor, it was the province of the hearing officer to decide what weight to give this evidence.

The hearing officer's decision and order are affirmed.

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

**LEON CROCKETT
1600 NORTH COLLINS BLVD., SUITE 300
RICHARDSON, TEXAS 75080.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Thomas A. Knapp
Appeals Judge