

APPEAL NO. 021468  
FILED JULY 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 May 6, 2002. The hearing officer resolved the disputed issue by concluding that the compensable injury sustained on \_\_\_\_\_, does not extend to and include an injury to the cervical/thoracic/lumbar spine, bilateral upper extremities, knees, feet, and depression. The appellant (claimant) appealed. The respondent (self-insured) filed a response, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable left shoulder injury on \_\_\_\_\_. The disputed issue was whether that injury extended to include injuries to the cervical/thoracic/lumbar spine, bilateral upper extremities, knees, feet, and depression. Extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting evidence on the matter at issue. 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 of the weight and credibility of the evidence and determines 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). We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**C T CORPORATION  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge