

APPEAL NO. 021682
FILED AUGUST 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 June 5, 2002. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to and include an injury to the cervical spine, headaches, head enlargement, blurred vision, insomnia, memory and cognitive dysfunction, confusional writing, fibromyalgia, or temporomandibular joint disease (TMJ); and that she did not have disability, as a result of her compensable injury, from July 11 to November 25, 2001. The claimant appealed, arguing that the hearing officer erred in making those determinations. In its response, the respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury, in the form of a mild concussion, does not extend to and include an injury to the cervical spine, headaches, head enlargement, blurred vision, insomnia, memory and cognitive dysfunction, confusional writing, fibromyalgia, or TMJ; and that she did not have disability from July 11 to November 25, 2001. Those issues presented questions of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer was acting within her province as the finder of fact in determining that the claimant did not sustain her burden of proof on either the extent-of-injury or disability issue. Nothing in our review of the record demonstrates that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. 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 self-insured is **(SELF-INSURED)**, and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge