

APPEAL NO. 021709
FILED AUGUST 22, 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 11, 2002. The hearing officer determined that the appellant's (claimant) compensable (left facial) injury does not extend to include an injury to the cervical spine.

The claimant appeals, contending that the hearing officer's decision is against the great weight of the evidence and pointing to evidence that supports her position. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury when she was struck on the left side of her head and face by a "freon gun." The claimant initially complained only of head and face problems; it was not until later that she complained of problems with her cervical spine.

The hearing officer did not err in determining that the claimant's compensable injury did not extend to her cervical spine. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165. The hearing officer considered the mechanism of injury, the delayed onset of cervical complaints recorded in the medical records, and the conflicting nature of the medical evidence relating to the cause of the claimant's cervical problems. Those factors were properly considered by the hearing officer in assessing the weight and credibility to be given to the evidence. The hearing officer was acting within his role as the fact finder in determining that the claimant did not sustain her burden of proof on the extent-of-injury issue. Nothing in our review of the record indicates that the hearing officer's determination that the compensable injury did not extend to the claimant's cervical spine is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb that determination on appeal.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**DAN FLANAGAN
1501 S. MOPAC EXPRESSWAY, SUITE A-320
AUSTIN, TEXAS 78746.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge