APPEAL NO. 021716
FILED ON JULY 30, 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 30, 2002. The hearing officer resolved the disputed issue by deciding that the compensable injury sustained on _____, does not extend to and include the diagnosis of epileptic seizures. The appellant (claimant) appeals on evidentiary sufficiency grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

Extent of injury is a factual question for the fact finder to resolve. Conflicting evidence was presented on this issue. The hearing officer was not persuaded that the compensable injury extended to include the diagnosis of epileptic seizures. The evidence supports the hearing officer's factual determinations. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer 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). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

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

FRANCIS FAYE
9229 WATERFORD CENTRE BOULEVARD, SUITE 100
DALLAS, TEXAS 78758.

_____
Michael B. McShane
Appeals Judge

CONCUR:

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Elaine M. Chaney
Appeals Judge

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Roy L. Warren
Appeals Judge

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