

APPEAL NO. 021723
FILED AUGUST 8, 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 June 13, 2002. The hearing officer resolved the disputed issue by deciding that the appellant/cross-respondent's (claimant) compensable injury of _____, extends to include post-concussive syndrome with resultant headaches, but without cognitive deficits. The hearing officer also determined that the claimant's post-concussive syndrome is not a producing cause of the claimant's adjustment disorder with depressive mood. Both parties appealed.

DECISION

The hearing officer's decision is affirmed.

The disputed issue was whether the claimant's compensable injury extends to include the claimant's post-concussive syndrome. The claimant's contention was that her headaches, cognitive deficits, and psychosocial distress disorder, diagnosed as an adjustment disorder with depressed mood, all resulted from a post-concussive syndrome she sustained in her work-related motor vehicle accident (MVA) of _____. The respondent/cross-appellant (carrier) contended that the claimant did not sustain a concussion in the MVA, and thus could not have post-concussive syndrome; that testing showed that the claimant does not have any cognitive deficits; and that the claimant's problems and symptoms are the result of psychological stressors that are not related to the MVA. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. 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). Given the parties' assertions at the CCH regarding whether the claimant had post-concussive syndrome and what symptoms and problems were related to that diagnosis, we do not find that the hearing officer erred in addressing the assertions that the claimant's claimed cognitive deficits, headaches, and adjustment disorder resulted from a post-concussive syndrome.

The hearing officer's decision and order are affirmed.

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

**ROBIN MOUNTAIN
VICE PRESIDENT OF ACE USA
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 75063.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge