

APPEAL NO. 022006
FILED SEPTEMBER 17, 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 July 11, 2002. The hearing officer determined that the respondent's (claimant) compensable injury of _____, includes left carpal tunnel syndrome. The appellant (carrier) appealed on sufficiency of the evidence grounds. Also, the carrier requested that the hearing officer's stated issue and Finding of Fact No. 2 reflect the correct date of _____, rather than _____ or _____. The claimant filed a response urging affirmance.

DECISION

Affirmed as reformed.

The hearing officer has erroneously listed the date of injury as _____, in the stated issue and as _____, in Finding of Fact No. 2. We reform those portions of the Decision and Order to reflect the correct date of injury as _____.

It is undisputed that the carrier accepted the compensability of the claimant's right carpal tunnel syndrome arising from the _____ injury. The only issue before the hearing officer was whether the compensable injury of _____, included left carpal tunnel syndrome. Extent of injury is a factual determination for the hearing officer to resolve. There was conflicting medical evidence presented to the hearing officer. 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). The hearing officer was persuaded by the claimant's testimony to determine that the compensable injury of _____, included a left carpal tunnel syndrome injury. 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. 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 have reviewed the matters complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

We affirm the decision and order of the hearing officer as reformed.

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

**EDDIE STAFFORD
1417 WEST MAIN, SUITE 104
CARROLLTON, TEXAS 75006.**

Veronica Lopez
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge