

APPEAL NO. 022260
FILED OCTOBER 16, 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 August 8, 2002. The hearing officer resolved the disputed issue by deciding that the compensable injury of _____, includes right carpal tunnel syndrome (CTS) and C-7 radiculopathy but it does not include myofascitis of the right shoulder. The appellant (carrier) appealed, arguing that the determination that the compensable injury includes right CTS and C-7 radiculopathy is against the great weight of the credible evidence. The appeal file does not contain a response from the respondent (claimant).

DECISION

Affirmed.

Extent of injury is a factual determination for the hearing officer to resolve. There was conflicting 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 determined that the claimant's right CTS and C-7 radiculopathy directly resulted from her injury of _____. 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 matter complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

The carrier argues that the claimant's CTS symptoms resolved by December 1999 following her injury. To the extent that this could be construed as an argument that medical treatment is no longer necessary, we note that the determination of what "health care is reasonably required by the nature of the injury" is a matter for the Medical Review Division of the Texas Workers' Compensation Commission. Texas Workers' Compensation Commission Appeal No. 991263, decided July 29, 1999 (Unpublished).

We affirm the decision and order of the hearing officer.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge