

APPEAL NO. 022261
FILED DECEMBER 9, 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 September 16, 2002. The hearing officer determined that the respondent's (claimant) compensable (left wrist, hand, and forearm) injury "includes the diagnosis of carpal tunnel syndrome [CTS] and DeQuervain's tenosynovitis to the left hand/wrist" and that the claimant had disability from January 14, 2002, to the date of the CCH.

The appellant (carrier) appeals, contending that the diagnostic tests do not support the hearing officer's decision on the extent of injury and citing other evidence, which would support a different conclusion. The claimant responds, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury when a large pipe fell on his left hand and arm on _____. The claimant's supervisor took the claimant to a medical clinic where the claimant was treated and released. There is some dispute whether the claimant returned to work the next day but generally it is undisputed that the claimant had returned to work on July 14, 2001. It is disputed whether the claimant returned to light duty or regular duty as a lead or "top man" and whether those duties involved heavy work. The claimant continued to work without medical treatment until December 8, 2001, when his employment was terminated. The circumstances of the termination are also in dispute. The claimant subsequently sought medical treatment on December 21, 2001, and was referred to a number of other doctors, including a Texas Worker's Compensation Commission-selected designated doctor. Most, if not all, of these doctors diagnosed left CTS and/or DeQuervain's tenosynovitis. The claimant was also examined by a carrier required medical examination doctor, who gave a contrary opinion. Much of the evidence, including medical evidence, was in dispute.

The extent-of-injury and disability issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence in favor of the claimant. Nothing in our review of the record reveals that the challenged determinations are 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 those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ST. PAUL GUARDIAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Veronica Lopez
Appeals Judge