

APPEAL NO. 022292
FILED OCTOBER 23, 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 28, 2002. The hearing officer determined that (1) the compensable injury of _____, includes an injury to the respondent's (claimant) cervical discs at C3-4 and C4-5 and the claimant's cervical spinal cord; and (2) consistent with the parties stipulation, the claimant's compensable injury of _____, does not include an injury to the claimant's thoracic spine. The appellant (self-insured) appeals the hearing officer's determination with regard to the cervical spine, on sufficiency grounds. No response was filed. The hearing officer's determination with regard to the thoracic spine was not appealed and is final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury includes an injury to the claimant's cervical discs at C3-4 and C4-5 and the claimant's cervical spinal cord. The determination involved a question 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is 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).

The decision and order of the hearing officer are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge