APPEAL NO. 022615
FILED NOVEMBER 25, 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 September 11, 2002. The hearing officer determined that the compensable injury of _____, does not extend to include deep vein thrombosis and resulting pulmonary emboli. The appellant (claimant) appeals the determination on sufficiency grounds. The respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of _____, does not extend to include deep vein thrombosis and resulting pulmonary emboli. That 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 and decides what facts the evidence has established (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In this instance, the hearing officer was acting within his province as the fact finder in crediting the evidence stating that there was no causal connection between the claimant's compensable injury and the treatment resulting from the compensable injury and his deep vein thrombosis and pulmonary emboli over the evidence to the contrary. Nothing in our review of the record reveals that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The claimant asserts error in the hearing officer's admission of the testimony by the carrier's required medical examination (RME) doctor. To obtain a reversal, the claimant must show that the admission of the evidence was error and that the error was reasonably calculated to cause and probably did cause the rendition of an improper decision. Hernandez v. Hernandez, 611 S.W.2d 732 (Tex. Civ. App.-San Antonio 1981, no writ). After reviewing the record, we cannot agree that the hearing officer committed reversible error in permitting the carrier's RME doctor to testify.

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

JI
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

_____
Elaine M. Chaney
Appeals Judge

CONCUR:

_____
Michael B. McShane
Appeals Panel
Manager/Judge

_____
Robert W. Potts
Appeals Judge