

APPEAL NO. 023015
FILED JANUARY 6, 2003

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 October 14, 2002. The hearing officer determined that the appellant's (claimant) compensable paint fumes exposure injury of _____, does not extend to and include facial swelling, lip and tongue numbness, headaches, fibromyalgia, chronic pain syndrome, short term memory loss, blood toxins, depression, and myofascial pain. The hearing officer also found in an unappealed issue that Dr. R is the claimant's treating doctor for the compensable paint fumes exposure injury. That determination not having been appealed has become final pursuant to Section 410.169.

The claimant appealed, contending that there is "substantial credible evidence" that the compensable paint fumes exposure injury includes the listed diagnoses. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant alleges the listed diagnoses were caused by his compensable paint fumes exposure. The hearing officer, in his Statement of the Evidence, recites an extensive summary of the evidence.

Clearly the medical evidence on this issue was in conflict. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.)). 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 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 and we do not find them so in this case. 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 insurance carrier is **EMCASCO INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**HOWARD ORLA DUGGER
1702 NORTH COLLINS BOULEVARD, SUITE 200
RICHARDSON, TEXAS 75080-0260.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Edward Vilano
Appeals Judge

Roy L. Warren
Appeals Judge