APPEAL NO. 023025
FILED JANUARY 14, 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 (CCH) was held on November 7, 2002. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury[1] of _____, does not extend to and include the cervical spine, right shoulder, right wrist, and/or a fibroma to the right pinky finger, and that she had no disability. The claimant appealed on sufficiency grounds, and the respondent (self-insured) responded, urging that the hearing officer be affirmed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, does not extend to and include the cervical spine, right shoulder, right wrist, and/or a fibroma to the right pinky finger. The claimant contends that she also sustained the specified injuries, in addition to the sprain/strain finger injury accepted by the self-insured. The self-insured notes that the claimant has not shown that she, in fact, has the medical problems of which she complains, and that the claimant was terminated two days before it is noted that she reported the alleged injury, and that even when the claimant reported the injury, she only mentioned her pinky finger.

As we affirm the extent-of-injury determination, we likewise affirm that the claimant had no disability from November 2, 2001, to the date of the CCH. The claimant based her allegation of disability on the additional alleged injuries found not to be compensable. Thus, the claimant was not unable to obtain and retain employment at her preinjury wage as a result of her compensable injury. *See* Section 401.011(16).

The parties presented conflicting evidence on the issues. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight of the

[1] The self-insured accepted as compensable the claimant's right pinky finger sprain/strain.

evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). We do not find so here.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.

_____
Terri Kay Oliver
Appeals Judge

CONCUR:

_____
Robert W. Potts
Appeals Judge

_____
Edward Vilano
Appeals Judge