

APPEAL NO. 023033
FILED JANUARY 16, 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 November 7, 2002. Resolving the disputed issues before her, the hearing officer decided that the respondent's (claimant) compensable injury of _____, does include left carpal tunnel syndrome (CTS), right median neuropathy with pronator teres syndrome, and bilateral partial coalition of hamate joint, and that he had disability beginning July 9 and continuing through October 13, 2002. The appellant (carrier) challenges both determinations on sufficiency of the evidence grounds, and specifically contends that the record does not contain medical data supporting a causal link between the compensable injury (left wrist ganglion cyst) and the above-referenced disputed conditions. The claimant responds, urging that the hearing officer be affirmed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, includes left CTS, right median neuropathy with pronator teres syndrome, and bilateral partial coalition of hamate joint. The extent-of-injury issue 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 trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained his burden of proving that his compensable injury included the disputed conditions. The factors emphasized by the carrier in challenging the hearing officer's determinations on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in making her credibility determinations. The claimant's testimony and the medical records from both the claimant's treating doctor and the carrier's peer review doctor support the hearing officer's extent determination. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

Because we affirm the extent-of-injury determination, we likewise affirm the hearing officer's determination that the claimant had disability as a result of his injury beginning July 9 and continuing through October 13, 2002. The claimant had surgery on his left hand/wrist on July 9, 2002, to partially correct the disputed extension of injury, and was unable to obtain or retain employment during his convalescence at his preinjury wage. See Section 401.011(16).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PRENTICE-HALL CORPORATION SYSTEM, INC.
800 BRAZOS
AUSTIN, TEXAS 78701.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge