

APPEAL NO. 023131
FILED JANUARY 24, 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 13, 2002. Resolving the sole disputed issue before him, the hearing officer decided that the respondent's (claimant) compensable injury of _____, includes right carpal tunnel syndrome (CTS). The appellant (carrier) challenged the hearing officer's decision on sufficiency of the evidence grounds, and the claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in concluding that the claimant's _____, compensable injury includes right CTS. The claimant testified, and the hearing officer found, that on the date of injury, the claimant fell from a dock, landing face first. The hearing officer also found that, because the claimant's left arm was previously amputated above the elbow, it stands to reason that the claimant attempted to use his right hand to break his fall. While the parties presented conflicting evidence, the medical evidence does support the claimant's allegation, and the hearing officer's determination, that the claimant sustained injury to his right hand/wrist/arm in the form of right CTS as a result of the trauma of his fall on the date of injury.

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). 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 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). Based upon our review of the record, we find no error in the hearing officer's determination.

The decision and order of the hearing officer are affirmed.

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

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge