

APPEAL NO. 023147
FILED JANUARY 28, 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 20, 2002. The hearing officer determined that the compensable (left hand) injury of _____, extends to include an injury to the lumbar spine, but not to the cervical spine or left shoulder.

The appellant (claimant) appeals, contending that the compensable injury should also include her left shoulder. The appeal file does not contain a response from the respondent (self-insured).

DECISION

Affirmed.

The claimant, a cook at one of the self-insured's facilities, testified that she sustained various injuries when her left hand was caught between two tables that were pushed together. The self-insured accepted a left hand crush injury. There was considerable testimony regarding the mechanism of the injury and the parties, at the CCH, seemed to agree that the key was the mechanism of the injury. At one point during the CCH, the claimant drew a diagram of the scene and the hearing officer attempted to verbalize the diagram in the record. Despite the hearing officer's best efforts there were still references to "standing there" and instances where answers were not responsive to the questions asked. The claimant is alleging that in addition to the left hand, the compensable injury also caused injuries to her left shoulder, neck, and low back.

In any event, sorting out exactly what happened and the extent of the injury is a factual question for the hearing officer to resolve. The evidence was in conflict with regard to the disputed issue and the evidence was sufficient to support the determination of the hearing officer. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

We affirm the hearing officer's decision and order.

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

**RZ
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Roy L. Warren
Appeals Judge