

APPEAL NO. 023165
FILED JANUARY 23, 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 6, 2002. With respect to the issue before her, the hearing officer determined that the respondent/cross-appellant's (claimant) compensable injury of _____, extends to include reflex sympathetic dystrophy/complex regional pain syndrome (RSD) to the right upper extremity but not to a cervical spine injury or depression. In its appeal, the appellant/cross-respondent (self-insured) argues that the hearing officer's determination that the compensable injury includes RSD is against the great weight of the evidence. In her response to the self-insured's appeal, the claimant urges affirmance. In her cross-appeal, the claimant contends that the hearing officer's determination that the compensable injury does not include a cervical spine injury or depression is against the great weight of the evidence. In its response to the cross-appeal, the self-insured urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury extends to and includes RSD of the right upper extremity but does not include a cervical injury or depression. The extent-of-injury issue presented a question 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 her burden of proving that her compensable injury included RSD in the right upper extremity but did not meet her burden of proving that it included a cervical spine injury or depression. The hearing officer was acting within her province as the fact finder in so resolving the conflicts and inconsistencies in the evidence. 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 the determination that the compensable injury includes RSD in the right upper extremity but does not include a cervical injury or depression. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**JE
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge