

APPEAL NO. 023169  
FILED JANUARY 13, 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 15, 2002. The hearing officer determined that the appellant's (claimant) compensable (right knee) injury does not extend to the claimant's right shoulder, right ankle, and lumbar spine.

The claimant appealed on a sufficiency of the evidence basis, stressing evidence favorable to her position. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant, an assistant manager/delivery driver, for an auto parts store chain, testified that about a week before \_\_\_\_\_, she began to have soreness and problems with her right shoulder, right ankle, right knee, and low back. On \_\_\_\_\_, while stepping on a folding chair the claimant said she felt a pull or pop in her right knee. The carrier accepted liability for a compensable right knee injury. The claimant contends that she also has a repetitive trauma injury to the other named body parts due to "repetitive motion" of lifting, pushing, pulling, climbing, and walking. There was conflicting evidence whether the claimant's injury was a specific injury or a repetitive trauma injury and whether the claimant's additional claimed conditions were caused by the compensable \_\_\_\_\_, injury or were degenerative in nature. The claimant testified that her condition has gotten progressively worse even though she has not been working.

The evidence was in conflict. 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, and we do not find it to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**BEN SCHROEDER  
ZURICH NORTH AMERICA  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Chris Cowan  
Appeals Judge