

APPEAL NO. 030106
FILED FEBRUARY 10, 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 December 3, 2002. The hearing officer determined that (1) the compensable injury of _____, does not extend to include the cervical spine; and (2) the appellant (claimant) is not entitled to reimbursement of travel expenses for medical treatment at the direction of Dr. Y, except for the dates of August 8, 2002; August 16, 2002, August 23, 2002; September 20, 2002; October 18, 2002; and March 14, 2002, which the respondent (carrier) has agreed to accept. The claimant appeals the extent-of-injury determination on sufficiency of the evidence grounds. The carrier urges affirmance. The hearing officer's travel expense determination was not appealed and is, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of _____, does not extend to include the cervical spine. The determination involved 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

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

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HOUSTON, TEXAS 77067.**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Roy L. Warren
Appeals Judge