

APPEAL NO. 030260
FILED MARCH 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 25, 2002. The hearing officer determined that (1) the compensable injury of _____, extends to include tendonitis of the left knee but does not extend to include bulging discs at C4-5, C5-6 and C6-7, disc protrusions and degenerative disc disease at L1-2, a posterior disc herniation at L5-S1, bilateral De Quervain's tenosynovitis, patellofemoral arthritis of the right knee, reflex sympathetic dystrophy to both hands/wrists, or achilles tendonitis of the right ankle; (2) the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 1st through the 13th quarters; and (3) the respondent (carrier) is relieved of liability for SIBs for the 4th through 10th, 12th, and 13th quarters in their entirety and for the 11th quarter for the period from July 30 through October 25, 2001, because of claimant's failure to timely file applications for those quarters. The claimant appeals these determinations on sufficiency of the evidence grounds. The carrier urges affirmance. The extent-of-injury determination with regard to left knee tendonitis was not appealed and is, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations, with regard to extent of injury and entitlement to SIBs. The determinations involved questions 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 applicable law and evidence presented, we cannot conclude that the hearing officer's extent-of-injury and SIBs determinations are 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).

Given our affirmance of the hearing officer's determination that the claimant is not entitled to SIBs, we need not address the issue of whether the carrier would otherwise be relieved of liability for the quarters at issue.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **HARTFORD FIRE 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.**

Edward Vilano
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Chris Cowan
Appeals Judge