

APPEAL NO. 030384  
FILED MARCH 18, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on February 3, 2003. In (Docket 1) the hearing officer determined that the appellant's (claimant) (date of injury for Docket 1), injury extends to include a disc protrusion at L5-S1 in addition to a low back strain and right shoulder sprain. In (Docket 2) the hearing officer determined that the claimant's (date of injury for Docket 2), injury does not extend to include the low back in addition to the right shoulder and neck, and that due to the injury of (date of injury for Docket 2), the claimant has had disability from July 1, 1997, to September 1, 1997, and at no other time. In (Docket 3) the hearing officer determined that the claimant's (date of injury for Docket 3), injury does not extend to include lumbar disc bulges at L3-4, L4-5, and L5-S1, and that the claimant has not had disability at any time from the injury on (date of injury for Docket 3). The claimant appealed the adverse extent-of-injury determinations and asserted he was entitled to a longer period of disability. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. The disputed issues presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We note that in his appeal, the claimant requests that the Appeals Panel reconsider the carrier's refusal to comply with certain subpoenas, and to insure that benefits due are paid by the carrier without hesitation. The hearing officer listened to the arguments of the parties, and questioned the carrier's custodian of records under oath regarding records in its possession. The hearing officer determined that the carrier turned over all non-privileged information in its possession to the claimant, and we perceive no error in this determination. We conclude by noting that the Appeals Panel

does not yet have jurisdiction to order the carrier to disburse payment of benefits to the claimant without hesitation, as requested by the claimant. Section 409.021 *et seq.* contains the applicable provisions regarding an insurance carrier's timely payment of income benefits. Until a dispute arises as to whether the carrier has timely paid benefits under the 1989 Act, the issue is not ripe for adjudication.

The hearing officer's decision and order are affirmed.

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

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL STREET, SUITE 2900  
DALLAS, TEXAS 75201.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Edward Vilano  
Appeals Judge