

APPEAL NO. 030418
FILED MARCH 20, 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 January 13, 2003. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, extends to and includes herniated discs at the C3-4 and C4-5 spinal levels and bulging discs at the C2-3, C5-6, and C6-7 spinal levels. The appellant (carrier) appealed and the claimant responded.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury. The disputed issue regarding the extent of the injury was for the hearing officer to determine as the finder of fact. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. At least two of the doctors who have treated the claimant for her compensable injury have reported that the compensable injury includes an injury to the claimant's neck. The hearing officer could also consider the claimant's testimony regarding the mechanism of the injury, the early report of neck pain following the injury, and the diagnostic tests in making her determination on the disputed issue. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge