

APPEAL NO. 030603
FILED APRIL 28, 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 February 6, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of _____, does not extend to or include bilateral carpal tunnel syndrome (CTS). The claimant appealed, arguing that the hearing officer's determination is against the great weight and preponderance of the evidence and constitutes legal error. The appeal file did not contain a response from the respondent (carrier).

DECISION

We affirm.

The hearing officer did not err in determining that the compensable injury did not include bilateral CTS. The claimant argues that the hearing officer made a medical decision rather than a legal one in deciding he did not have CTS. The hearing officer acknowledged that the medical records established that the claimant has been diagnosed with bilateral CTS but the hearing officer was not persuaded that the claimant sustained his burden of proof regarding causation. Conflicting evidence was presented on the disputed issue. In a report dated December 9, 2002, Dr. N opined that the claimant's CTS is a condition of ordinary life and not related to the compensable injury. 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. Our review of the record reveals that the hearing officer's determination regarding extent of injury 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 or manifestly unjust. Accordingly, no sound basis exists for us to disturb the challenged determination on appeal. 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 MOTORISTS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge