

APPEAL NO. 030616
FILED APRIL 29, 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 3, 2003. With respect to the single issue before him, the hearing officer determined that the respondent/cross-appellant's (claimant) compensable injury extends to and includes the visible defect at L4-5. In its appeal, the appellant/cross-respondent (carrier) argues that the hearing officer's extent-of-injury determination is against the great weight of the evidence. In her response to the carrier's appeal, the claimant urges affirmance. In her cross-appeal, the claimant notes that the date of injury is incorrectly identified as (wrong date of injury), and that the correct date of injury is _____. Thus, she asks that we correct the obvious typographical error. The carrier did not respond to the claimant's cross-appeal.

DECISION

Affirmed, as modified.

As the claimant noted in her cross appeal, the hearing officer refers to a (wrong date of injury) throughout his decision. However, there is no dispute that the date of injury is actually _____. Thus, every reference to a (wrong date of injury) in the hearing officer's Decision and Order is modified to properly reflect an _____, date of injury.

The hearing officer did not err in determining that the claimant's compensable injury of _____, extends to and includes the visible defect at L4-5. That issue presented 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). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained her burden of proving that she injured her L4-5 disc in the fall at work on _____. There was conflicting evidence on that issue and the hearing officer was acting within his province as the fact finder in resolving that conflict in favor of the claimant. The factors emphasized by the carrier in challenging the hearing officer's extent-of-injury determination on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer. Nothing in our review of the record reveals that the challenged determination is 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 reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS CASUALTY & SURETY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge