

APPEAL NO. 030618
FILED APRIL 15, 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 (CCH) was held on February 24, 2003. With respect to the disputed issues before him, the hearing officer determined that the appellant (claimant) sustained a compensable injury to his right upper extremity on _____, and had resultant disability beginning July 25, 2002, and continuing through the date of the CCH. The claimant appeals, arguing that the medical records support his allegation that his compensable injury includes injuries to his cervical and thoracic spine. The respondent (carrier) responded, urging that the hearing officer be affirmed. Neither party appealed the disability determination; therefore, it has become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____. The claimant alleged that he injured his right upper extremity and his cervical and thoracic spine when he attempted to catch a bicycle falling from a hook in the ceiling at work. The claimant introduced medical records, including an MRI of his cervical spine and diagnoses of thoracic spine problems, in support of his claim. The carrier argued that the claimant did not complain of any spinal injuries until long after his alleged compensable injury and only indicated on his report of injury that he injured his "hand." In his Statement of the Evidence and Discussion, the hearing officer wrote that the incident "at least caused an upper extremity sprain/strain injury." The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was acting within his province as the fact finder in resolving the evidence in the manner he did and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). As the hearing officer did not have the issue of the extent of the claimant's injury before him at this CCH, we do not view the hearing officer's injury determination to limit the claimant's injury to his right upper extremity. The hearing officer only identified the injury that he found.

The hearing officer's decision and order is affirmed.

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, COMMODORE I
AUSTIN, TEXAS 78701.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge