

APPEAL NO. 030726  
FILED MAY 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 20, 2003. The hearing officer determined that (1) the respondent (claimant) had disability from May 8, 2002, through August 14, 2002, but did not have disability from August 15, 2002, to December 4, 2002; and (2) that the compensable injury of \_\_\_\_\_, does not include the MRI findings of the lumbar spine dated August 15, 2002 (broad based disc bulge with superimposed midline annular tear at L4-5 and a desiccated disc; broad based disc bulge with moderate spinal canal stenosis at L5-S1 without associated neural foraminal stenosis). The appellant (carrier) appeals the disability determination for May 8, 2002, through August 14, 2002, on sufficiency of the evidence grounds. The claimant did not file a response. The hearing officer's extent-of-injury determination and disability determination for August 15, 2002, to December 4, 2002, were not appealed and are now final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant had disability from May 8, 2002, through August 14, 2002. The determination involved 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and the order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER  
1999 BRYAN STREET  
DALLAS, TEXAS 75201.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Veronica Lopez  
Appeals Judge