

APPEAL NO. 030863
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 was held on March 3, 2003. The hearing officer determined that the compensable injury sustained by the appellant (claimant) on _____, does not extend to or include a cervical spine injury in the form of a sprain; and that the claimant had disability for the following periods in 2002: February 5 through February 12; March 3 through March 10; and July 9 through September 30. The claimant appeals the extent-of-injury determination and the determination that disability ended on September 30. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

Extent of injury and disability are factual questions for the hearing officer to resolve. The claimant asserts that in making the complained-of determinations, the hearing officer failed to consider Claimant's Exhibit No. 6 and his testimony. We find no evidence to support this assertion. The hearing officer was apparently not persuaded by the evidence that the claimant's injury included a cervical spine sprain or that disability continued beyond September 30, 2002. The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. Nothing in our review of the record indicates that the hearing officer's decision 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 order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **COMMERCE & INDUSTRY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge