

APPEAL NO. 030895
FILED MAY 19, 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 25, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury does include an injury to the cervical spine in the form of disc subluxations at C2, C4, C5, and C6, and does include an injury to the claimant's right wrist in the form of ganglion cysts. The hearing officer additionally determined that the appellant (self-insured) has not waived the right to contest compensability of the claimed injury by timely accepting the injury in accordance with Sections 409.021 and 409.022. The self-insured appealed the extent-of-injury determination and the claimant responded, urging affirmance. The hearing officer's waiver determination is unappealed and has become final. Section 410.169.

DECISION

Affirmed.

Initially, we note that the file contained a response to the self-insured's appeal from the claimant's treating doctor. As the claimant's treating doctor is not a party to this proceeding, the response was not considered.

The hearing officer did not err in determining that the _____, compensable injury includes disc subluxations at C2, C4, C5, and C6, and ganglion cysts in the right wrist. That issue presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence presented on the disputed issue. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's extent-of-injury determination is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**LJ
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica Lopez
Appeals Judge