

APPEAL NO. 030932
FILED JUNE 4, 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 April 8, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable (left elbow) injury extends to and includes an injury to the left shoulder and cervical region. The appellant (self-insured) appealed, essentially asserting that the hearing officer's determination is against the great weight of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury to his left elbow on _____. At issue was whether the compensable injury extends to and includes an injury to the left shoulder and the cervical region. In support of its position on appeal, the self-insured points to the fact that no medical documentation of a neck or shoulder injury existed until January 29, 2002, and asserts that the claimant failed to prove a causal relationship between the now claimed injuries and the work-related injury. The claimant testified that he had been having problems with the complained-of body parts since the date of the compensable injury, and that his treating doctor believed that they were related to the elbow injury, thus explaining the delay in documentation.

The testimony and medical evidence were in conflict in regard to the disputed issue and the evidence was sufficient to support the determination of the hearing officer. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of 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. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. 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

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Margaret L. Turner
Appeals Judge