

APPEAL NO. 031086
FILED MAY 30, 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 2, 2003. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, extends to and includes the neck, right shoulder, right wrist, and right hand. The appellant (carrier) appealed, arguing that the hearing officer's extent-of-injury determination is against the great weight and preponderance of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

Extent of injury is a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer was acting within her province as the fact finder in making this determination. Nothing in our review of the record reveals that the hearing officer's extent-of-injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The carrier essentially argues that the hearing officer did not discuss nor consider medical evidence in her findings of fact and conclusions of law. The hearing officer is not required to discuss evidence. Texas Workers' Compensation Commission Appeal No. 92206, decided July 6, 1992. In any case, the hearing officer specifically stated in her decision that "[e]ven though all the evidence was not discussed, it was considered." We will not presume otherwise. See Texas Workers' Compensation Commission Appeal No. 960262, decided March 25, 1996.

The hearing officer's decision and order are affirmed.

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

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Veronica Lopez
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge