

APPEAL NO. 031197  
FILED JUNE 27, 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 15, 2003. The hearing officer determined that the respondent's (claimant) compensable left shoulder injury extends to include the cervical and thoracic spine.

The appellant (carrier) appealed, asserting that the initial medical reports did not document cervical or thoracic complaints and the cervical MRI changes were degenerative in nature. The file does not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a left shoulder injury on \_\_\_\_\_. The claimant had immediate left shoulder complaints and had left shoulder surgery on November 21, 2000. The claimant testified that the surgery did not relieve his pain and that he eventually paid for a cervical MRI, which showed central canal stenosis at C4-5 secondary to a disc protrusion. The carrier argued that there was a lack of prompt onset of symptoms and that the MRI changes are degenerative in nature.

The claimant saw a number of doctors, including a Texas Workers' Compensation Commission-appointed required medical examination doctor, who was of the opinion that the mechanism of the injury was consistent with a cervical and thoracic injury. The medical evidence was conflicting. 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 unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge