

APPEAL NO. 031285
FILED JULY 10, 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 21, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable occupational disease injury to her right hand, right wrist, and right forearm on _____, and that she had disability beginning on June 22, 2002, and continuing through the date of the hearing. The appellant (carrier) appealed, asserting that the hearing officer's determinations are not supported by the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that on the date of her claimed injury, she was employed as a "feather-puller." The claimant testified that her job was to remove as many feathers as she could from the posterior of turkeys as they passed before her on a conveyor belt. She stated that she would grip the turkey with her left hand, and pull out the feathers with a pair of pliers with her right hand. The claimant testified that she began to develop pain in her right hand, wrist, and forearm about one week prior to _____, due to her job duties. The claimant presented medical evidence to support her position that she sustained a compensable occupational disease injury to her right hand, wrist, and forearm and that she had resulting disability. The carrier presented testimony and evidence from a peer review doctor to support its position that the claimant did not sustain a compensable injury because her current complaints are not work related. The carrier further asserts that even had the claimant sustained a compensable injury, her condition would have resolved within six to eight weeks as opined by the Texas Workers' Compensation Commission-selected required medical examination doctor.

We have reviewed the complained-of determinations and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. The disputed issues presented questions 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); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues of injury and disability. 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 determinations are 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 those determinations 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 **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** 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.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge