

APPEAL NO. 031377
FILED JULY 17, 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 29, 2003. The hearing officer determined that: (1) the compensable injury of _____, does extend to and include spondylolysis of L5-S1, Grade I spondylolisthesis of L5-S1, Grade I anterolisthesis of L5-S1, left neural foraminal stenosis of L5-S1 due to focal disc bulges, and spinal canal narrowing at L4-5 with disc bulging; and (2) the respondent/cross-appellant (claimant) does not have disability from January 17, 2003, through the date of the hearing. The appellant/cross-respondent (carrier) appeals the extent-of-injury determination on sufficiency of the evidence grounds. The claimant did not file a response. The claimant cross-appeals the hearing officer's disability determination on sufficiency of the evidence grounds. The carrier did not file a cross-response.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer could infer from the medical evidence that the claimant's compensable injury extended to include each of the above conditions. Additionally, the hearing officer could disbelieve the claimant's testimony and evidence with regard to disability. In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

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

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

Edward Vilano
Appeals Judge

CONCUR:

Veronica Lopez-Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge