

APPEAL NO. 031625  
FILED JULY 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 commenced on February 4, 2003, and continued on May 19, 2003. The hearing officer decided that the appellant's (claimant herein) injury did not extend to include left carpal tunnel syndrome (CTS); that the claimant reached maximum medical improvement on April 6, 2001; and that the claimant's impairment rating (IR) is 1%. The claimant appeals, contending that the evidence established that her compensable injury did extend to include CTS and that her IR was 16%. The respondent (carrier herein) replies that the decision of the hearing officer was supported by the evidence and should be affirmed.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The parties stipulated that on \_\_\_\_\_, the claimant sustained compensable torn triangular fibrocartilage complex and De Quervain's tenosynovitis injuries. Conflicting evidence was presented with regard to the issue of whether the compensable injury extended to include left CTS. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determination that the compensable injury does not extend to left CTS is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

Conflicting evidence was also presented on the IR issue. The claimant's treating doctor assigned a 16% IR. The designated doctor chosen by the Texas Workers' Compensation Commission (Commission) assigned a 1% IR. For a claim for workers' compensation benefits based on a compensable injury that occurs before June 17, 2001, Section 408.125(e) provides that if the designated doctor is chosen by the Commission, the report of the designated doctor shall have presumptive weight, and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. We conclude that the hearing officer's determination that the claimant's IR for the compensable injury is 1% is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain, supra.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **OLD REPUBLIC GENERAL INSURANCE** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST SUITE 200  
IRVING, TEXAS 75063.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge