

APPEAL NO. 031730
FILED AUGUST 15, 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 (CCH) was held on June 4, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of _____, does not extend to include an injury to the cervical spine, right shoulder, right elbow, or lumbar disc disease with spinal stenosis; and that as a result of his compensable injury, the claimant had disability from February 2 through June 17, 2002, and from June 25 through August 14, 2002. The claimant appealed, and the respondent (carrier) responded.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on _____, when he was moving furniture. The carrier has accepted liability for an injury to the claimant's left shoulder, including a rotator cuff tear, and a low back strain. Whether the compensable injury also includes an injury to the cervical spine, right shoulder, right elbow, and lumbar disc disease with spinal stenosis, and whether the claimant has had disability as defined by Section 401.011(16), were fact issues for the hearing officer to determine from the evidence presented at the CCH. 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. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision 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 v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

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

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge