

APPEAL NO. 031824  
FILED AUGUST 20, 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 9, 2003. The hearing officer determined that the appellant's (claimant) compensable (neck, forehead laceration, and low back) injury does not extend to and include "an injury to the head, resulting in headaches, dizziness, posttraumatic syndrome and/or seizures."

The claimant appeals, contending that the medical evidence "establishes a direct relationship" between the compensable accident and the claimed injuries. The claimant asks us to "reconsider the evidence" presented by him. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant, a computer technician, sustained a compensable injury on \_\_\_\_\_, while a passenger in a motor vehicle accident (MVA). The claimant had been asleep in the middle seat of an SUV when it was involved in a one-vehicle MVA. The carrier accepted a neck, forehead laceration, and low back injury. The hearing officer's Statement of the Evidence contains a detailed recitation of the events and medical treatment that followed. The claimant began complaining of headaches and dizziness about two months after the MVA. Subsequently the claimant was diagnosed as having post-traumatic syndrome and seizures. The claimant's treating doctor, a clinical neuropsychologist, is of the opinion that the claimant's claimed injuries are consistent with post-concussion syndrome. A carrier peer review doctor testified at the CCH, and in a report states that there was no evidence to support a neuropsychological injury in this case.

The medical evidence was in conflict in regard to the disputed issue. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). 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). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. 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). The Appeals Panel does not reweigh the evidence and only reviews the hearing officer's decision based on the record developed at the CCH. While we agree with the claimant's contention that he had not stipulated that the compensable injury did not result in headaches, dizziness,

post traumatic syndrome, and seizures, that is what the hearing officer found and the hearing officer's determination is supported by sufficient evidence.

We have reviewed the complained-of determinations and conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, *supra*.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** 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:

---

Judy L. S. Barnes  
Appeals Judge

---

Gary L. Kilgore  
Appeals Judge