

APPEAL NO. 031831
FILED SEPTEMBER 2, 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 June 10, 2003. The hearing officer determined that (1) the compensable injury includes right cubital tunnel syndrome; and (2) the respondent (claimant) had disability beginning March 8, 2002, through February 27, 2003. The appellant (carrier) appealed these determinations on sufficiency of the evidence grounds. The claimant did not file a response.

DECISION

Affirmed as reformed.

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)). 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, 176 (Tex. 1986).

The carrier asserts that the hearing officer failed to fully consider the evidence in reaching his decision, pointing out that the hearing officer failed to list its witness in the "Evidence Presented" portion of the decision and provided differing dates of injury in his findings of fact and conclusions of law. Upon review of the record, we find no indication that the hearing officer excluded the testimony of the carrier's witness from consideration in reaching his decision. Indeed, in the "Statement of the Evidence" portion of the decision, the hearing officer makes clear that he considered all of the evidence presented. We view the asserted errors as mere clerical errors, which do not warrant reversal of the appealed issues. Accordingly, we reform the hearing officer's decision to reflect that Mr. M testified as a witness for the carrier and to reflect a date of injury of _____.

The decision and order of the hearing officer is affirmed as reformed.

The true corporate name of the insurance carrier is **FIRE & CASUALTY INSURANCE COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

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

Edward Vilano
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Robert W. Potts
Appeals Judge