

APPEAL NO. 031894  
FILED AUGUST 21, 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 19, 2003. The hearing officer determined that the date of the appellant's (claimant) claimed injury is \_\_\_\_\_, pursuant to Section 408.007; that the claimant did not sustain a compensable repetitive trauma injury; that the alleged injury does not extend to and include the cervical spine; that the respondent (carrier) is not relieved from liability under Section 409.002 because the claimant timely notified her employer pursuant to Section 409.001; and that, because the claimant did not sustain a compensable repetitive trauma injury, she does not have disability from January 14 through April 21, 2003, as a result of a work-related injury. The claimant appealed the hearing officer's injury, extent-of-injury, and disability determinations on sufficiency of the evidence grounds. The carrier responded, urging affirmance. The hearing officer's determinations regarding the date of injury and timely reporting have not been appealed and have become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable repetitive trauma injury on \_\_\_\_\_, that the alleged injury does not extend to and include the cervical spine, and that the claimant did not have disability. The injury and extent-of-injury 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 complained-of 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). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability. Section 401.011(16).

The hearing officer's decision and order are affirmed.

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.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge