

APPEAL NO. 032003
FILED SEPTEMBER 16, 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 May 27, 2003. The hearing officer determined that respondent 2's (claimant) _____, compensable injury does not include problems with the L3-4 disc herniation after February 21, 2002; that the claimant's February 21, 2002, compensable injury includes problems with the L3-4 disc herniation; and that, as a result of the February 21, 2002, compensable injury, the claimant had disability from August 17, 2002, through November 8, 2002. The appellant (carrier 1) appeals these determinations, contending that the claimant's current L3-4 disc herniation problems and any resulting disability are attributable to the _____, compensable injury. Respondent 1 (carrier 2) urges affirmance of the hearing officer's decision. The appeal file contains no response from the claimant.

DECISION

Affirmed.

Conflicting evidence was presented at the hearing regarding whether the claimant's current L3-4 disc problems are a recurrence from the 2000 compensable injury or whether they resulted from the more recent injury in 2002. The disputed issues in this case involved factual questions 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 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)). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of insurance carrier 1 is **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

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

The true corporate name of insurance carrier 2 is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION** for **Commercial Compensation Insurance Company**, an impaired carrier and the name and address of its registered agent for service of process is

**MARVIN KELLEY, EXECUTIVE DIRECTOR
9120 BURNET RD.
AUSTIN, TEXAS 78758.**

Chris Cowan
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Margaret L. Turner
Appeals Judge