

APPEAL NO. 032097
FILED SEPTEMBER 23, 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 July 8, 2003. The hearing officer determined that the respondent (claimant) sustained disability as a result of his compensable injury of _____, beginning on June 21, 2002, and continuing through March 17, 2003. The appellant (carrier) appeals on sufficiency of the evidence grounds. The claimant responds, urging affirmance.

DECISION

Affirmed.

The carrier contends that the hearing officer summarized the claimant's evidence in the Statement of the Evidence "without describing or analyzing any evidence favorable to the carrier's position," that the hearing officer did not address or analyze discrepancies in the claimant's testimony and the medical evidence, and that the summary was not fair and accurate. A hearing officer is not required to provide a detailed recitation of the facts since the 1989 Act only requires findings of fact, conclusions of law, whether benefits are due, and an award of benefits due. Texas Workers' Compensation Commission Appeal No. 93791, decided October 18, 1993. A statement of evidence, if made, only needs to reasonably reflect the record. We perceive no error in omitting an extended discussion of the evidence. The hearing officer clearly states that he considered all the evidence, and based his Findings of Fact on all the evidence presented.

The hearing officer did not err in reaching the complained-of determination. The issue of disability involved a question of fact for the hearing officer to resolve. The evidence before the hearing officer was subject to conflicting interpretations. 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 determination is 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).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **UTICA MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RICHARD A. MAYER
11910 GREENVILLE AVENUE, SUITE 600
DALLAS, TEXAS 75243-9332.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge