

APPEAL NO. 032515
FILED NOVEMBER 12, 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 September 8, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of _____, includes an injury to his left shoulder, but that it does not include an injury to his cervical, thoracic, or lumbar spine. The claimant appeals, contending that the hearing officer's determination that the compensable injury does not include an injury to his cervical, thoracic, or lumbar spine is against the great weight of the evidence. No response was received from the respondent (carrier). There is no appeal of the hearing officer's determination that the compensable injury includes an injury to the claimant's left shoulder.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to his left wrist when he fell at work. The issue before the hearing officer was whether the claimant's compensable injury includes an injury to the claimant's left shoulder and to the claimant's cervical, thoracic, and lumbar spine. The hearing officer determined that the compensable injury includes an injury to the claimant's left shoulder and there is no appeal by the carrier of that determination. The claimant contends that the hearing officer's determination that the compensable injury does not include an injury to his cervical, thoracic, or lumbar spine is against the great weight and preponderance of the evidence. Conflicting evidence was presented on the issue of the extent of the claimant's compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination that the compensable injury does not include an injury to the claimant's cervical, thoracic, or lumbar spine is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

**JOSEPH A. YURKOVICH
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge