

APPEAL NO. 032702  
FILED NOVEMBER 14, 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 15, 2003. The hearing officer determined that: (1) the respondent/cross-appellant (claimant) sustained a compensable injury only to her neck and low back (sprains only) on \_\_\_\_\_; and (2) the claimant has had disability from April 11, 2003, through the date of the hearing. The appellant/cross-respondent (carrier) appeals these determinations on sufficiency of the evidence grounds. The claimant urges affirmance. The claimant cross-appeals, asserting that the hearing officer erred in limiting her compensable injury to "sprains only" because extent of injury was not at issue. The carrier filed a cross-response, stating that the claimant failed to prove the extent of injury.

DECISION

Affirmed as reformed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on \_\_\_\_\_, and had disability from April 11, 2003, through the date of the hearing. These 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).

As stated above, the claimant asserts that the hearing officer erred in limiting her compensable injury to "sprains only" because the extent of injury was not at issue. Our review of the record indicates that extent of injury was not certified as an issue in the benefit review conference report, nor was the issue actually litigated. In absence of a disputed issue regarding the extent of the compensable injury, we reform the hearing officer's decision to state that the compensable injury includes, but is not necessarily limited to, a neck sprain and low back sprain. See Texas Workers' Compensation Commission Appeal No. 020127, decided March 4, 2002, and cases cited therein.

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

The true corporate name of the insurance carrier is **(a self-Insured governmental entity)** and the name and address of its registered agent for service of process is

**SD  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Edward Vilano  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge