

APPEAL NO. 032835
FILED DECEMBER 11, 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 August 18, 2003. The hearing officer determined that the appellant (claimant) sustained compensable bilateral shoulder tendonitis and medial/lateral epicondylitis injuries; that the date of the injury was _____; that the claimant had disability from November 19, 2002, through February 25, 2003; and that the claimant gave timely notice of the injury to her employer. The claimant appeals, asserting that her compensable injury also includes her cervical and thoracic spine and that she had disability beyond February 25, 2003. The respondent (self-insured) urges affirmance of the hearing officer's decision. The determinations relating to the date of injury and timely notice have not been appealed and have become final pursuant to Section 410.169.

DECISION

Affirmed.

The complained-of determinations involved factual questions for the hearing officer to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. This is equally true regarding 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 determinations on the appealed issues are 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, 176 (Tex. 1986). The compensability and disability determinations are affirmed. While extent of injury was not an issue before the hearing officer, in order to explain her rationale for the disability determination, it was necessary for the hearing officer to define the compensable injury. Because of this, we perceive no error in the hearing officer's specificity of the nature of the compensable injury.

The hearing officer's decision and order are affirmed.

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

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

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge