

APPEAL NO. 032992  
FILED DECEMBER 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 October 28, 2003. The hearing officer determined that: (1) the compensable injury of \_\_\_\_\_, extends to and includes right upper extremity reflex sympathetic dystrophy (RSD); and (2) the respondent (claimant) has an impairment rating (IR) of 17%. The appellant (carrier) appeals these determinations on sufficiency of the evidence grounds, asserting that the claimant's compensable injury does not include RSD and that the proper IR is 4%. The claimant urges affirmance.

DECISION

Affirmed.

**EXTENT OF INJURY**

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, extends to and includes right upper extremity RSD. The determination involved a question 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 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, 176 (Tex. 1986).

**IR**

The hearing officer did not err in determining that the claimant's IR is 17%. The carrier contends that the IR should not include a rating for RSD and that the proper IR is 4%. Given our affirmance of the hearing officer's extent-of-injury determination, we likewise affirm the hearing officer's IR determination, which includes a rating for right upper extremity RSD.

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge