

APPEAL NO. 033045
FILED JANUARY 5, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing (CCH) was held on October 23, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of (1994 injury), extends to reflex sympathetic dystrophy (RSD) in his right hand and feet, but that the claimant's compensable injury of December 30, 1999 (1999 injury), does not extend to RSD in the claimant's right hand and feet. The claimant appeals, contending that the evidence proved that his RSD symptoms after his 1999 injury resulted from the 1999 injury, and that that injury aggravated any preexisting RSD. Respondent 1 (carrier 1), who is the workers' compensation insurance carrier for the 1999 injury, asserts that sufficient evidence supports the hearing officer's decision and requests affirmance. No response was received from respondent 2 (carrier 2), who is the workers' compensation insurance carrier for the 1994 injury.

DECISION

Affirmed.

There is no appeal of the hearing officer's determination that the claimant has RSD. The issues at the CCH were whether the claimant's 1999 injury extends to RSD in the claimant's right hand and feet, and whether the 1994 injury extends to RSD in the claimant's right hand and feet. The hearing officer determined that the 1994 injury extends to RSD in the claimant's right hand and feet, but that the 1999 injury does not extend to RSD in the claimant's right hand and feet. It is clear that the hearing officer considered the claimant's contention regarding aggravation of a preexisting condition in reaching his decision, but did not find the evidence persuasive with regard to that contention. Conflicting evidence, including conflicting medical opinions, was presented at the CCH on the disputed issues. 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 decision is supported by sufficient evidence and that it 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 insurance carrier 1 is **ATLANTIC MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**NICHOLAS PETERS
12801 NORTH CENTRAL EXPRESSWAY, SUITE 100
DALLAS, TEXAS 75243.**

The true corporate name of insurance carrier 2 is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge