

APPEAL NO. 040008
FILED FEBRUARY 18, 2004

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 December 3, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____; that the injury was not caused by the claimant's willful attempt to injure himself; and that the claimant had disability from November 1, 2002, through the date of the hearing. The appellant (carrier) appeals these determinations. The claimant urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

The disputed issues in this case 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. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record indicates that the hearing officer's decision 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).

The carrier urges that the "Appeals Panel should reverse and render a new decision that there was no compensable right wrist fracture injury" and asserts that the hearing officer's disability determination was premised on the fact that the claimant sustained a compensable wrist fracture. The issue before the hearing officer for resolution was whether the claimant sustained a compensable injury and the evidence reflects that the injury was, generally, to his right wrist. An extent-of-injury issue was not before the hearing officer and, consequently, the hearing officer resolved the disputed issue by finding that the claimant sustained a compensable injury. The hearing officer made no findings with regard to the specificity of the compensable injury and there is no indication that the disability determination was premised on only a wrist fracture.

The decision and order of the hearing officer are affirmed.

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

**LEO S. MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Chris Cowan
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge