

APPEAL NO. 040030
FILED FEBRUARY 25, 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 (CCH) was held on December 2, 2003. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____, and that the claimant did not have disability resulting from the claimed injury of _____.

The claimant appeals, contending that his testimony and the records of the treating chiropractor require reversal of the hearing officer's decision. The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed.

The claimant has suffered a prior compensable left wrist and thumb injury in September 2002. Subsequently, a dispute over the impairment rating for that injury ensued and the claimant requested a change of treating doctor. The claimant changed treating doctors to a chiropractor and on the same day the claimant had an appointment with the doctor, he alleges he sustained another left wrist and thumb injury involving the same or similar mechanism as the September 2002 injury. The claimant alleges disability from April 22 through June 25, 2003, when he was released to return to work.

The case involves conflicting evidence and pretty much rests on the credibility of the claimant's testimony. We have many times held that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision is supported by sufficient evidence and 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, 176 (Tex. 1986).

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).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge