

APPEAL NO. 040089
FILED MARCH 3, 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 18, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable left shoulder injury of _____, does not extend to and include a cervical injury, and a left hand and wrist injury including left carpal tunnel syndrome. The claimant appealed, contending that the hearing officer's decision is not supported by the evidence and is against the great weight and preponderance of the evidence. The respondent (carrier) asserts that the hearing officer's decision is supported by the evidence and is not against the great weight and preponderance of the evidence.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable left shoulder injury. The issue on the extent of the compensable injury presented a fact question for the hearing officer to resolve from the conflicting evidence presented at the CCH. 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 on the disputed issue of the extent of the claimant's compensable injury, 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 the insurance carrier is **FEDERATED MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSS LARSON
860 AIRPORT FREEWAY WEST, SUITE 500
HURST, TEXAS 75054-3286.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge