

APPEAL NO. 040276  
FILED MARCH 11, 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 January 12, 2004. The hearing officer determined that: (1) appellant (claimant) sustained a compensable cervical spine sprain/strain and right arm/right elbow sprain/strain injury on \_\_\_\_\_; (2) respondent (carrier) waived the right to dispute the compensability of claimant's compensable injury of \_\_\_\_\_, including the right to dispute the compensability of the claimed lumbar spine injury of \_\_\_\_\_; (3) claimant sustained a compensable lumbar spine injury on \_\_\_\_\_, in the nature of degenerative conditions; and (4) claimant did not have disability. Claimant appealed the disability determination on sufficiency of the evidence grounds. Carrier responded, urging affirmance. The hearing officer's determinations regarding injury, extent, and carrier waiver have not been appealed and have become final. Section 410.169.

DECISION

We affirm.

The hearing officer did not err in determining that claimant did not have disability as a result of the injury sustained on \_\_\_\_\_. 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).

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

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge