

APPEAL NO. 040303  
FILED APRIL 5, 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 14, 2004. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of \_\_\_\_\_, extends to and includes cervical radiculopathy. The appellant (carrier) appeals, contending that the credible evidence does not support the hearing officer's decision. No response was received from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury with a date of injury of \_\_\_\_\_. Apparently the claimant claimed a repetitive trauma injury and the carrier accepted liability for an injury to the claimant's hands/wrists and right shoulder, but denied that the injury extended to cervical radiculopathy. Conflicting evidence was presented on the disputed issue of whether the compensable injury includes cervical radiculopathy. The claimant had the burden of proof on that issue. 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 in favor of the claimant on the disputed issue 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 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Thomas A. Knapp  
Appeals Judge

---

Edward Vilano  
Appeals Judge