

APPEAL NO. 040443
FILED APRIL 19, 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 22, 2004. The hearing officer determined that the respondent/cross-appellant (claimant) sustained a compensable repetitive trauma injury to her right wrist on _____, and that she had disability beginning on August 20, 2003, and continuing through the date of the hearing. The appellant/cross-respondent (carrier) appealed the hearing officer's determinations that the claimant sustained a compensable injury and had disability on sufficiency of the evidence grounds. The claimant responded, urging affirmance of those determinations. The claimant appealed, asserting that she also sustained a compensable injury to her left wrist. The carrier responded, urging affirmance.

DECISION

Affirmed.

Whether the claimant sustained a compensable injury, the nature of the injury, and whether she had disability are factual questions for the hearing officer to resolve. 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. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In the instant case, although the hearing officer was persuaded by the evidence that the claimant sustained a compensable right wrist injury and had resulting disability, he was not persuaded that the claimant also sustained a compensable injury to her left wrist. The finder of fact may believe that the claimant has an injury, but disbelieve the claimant's testimony that the injury occurred at work as claimed. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are 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). After reviewing the record, we find sufficient evidence to support the injury and disability determinations.

The hearing officer's decision and order are affirmed.

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

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Daniel R. Barry
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

CONCUR IN RESULT:

Edward Vilano
Appeals Judge