

APPEAL NO. 040532  
FILED APRIL 14, 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 February 3, 2004. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable repetitive trauma injury, with a date of injury of \_\_\_\_\_; (2) the claimant did not sustain an injury on \_\_\_\_\_, and that the alleged injury does not extend to and include an injury to the right elbow; (3) the employer did not tender a bona fide job offer of employment (BFOE) to the claimant; and (4) the claimant does not have disability from April 29 through November 23, 2003. The claimant appealed the hearing officer's injury, extent-of-injury, and disability determinations based on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance. The hearing officer's BFOE determination was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

The issues of injury, the extent of the injury, and disability were questions of fact for the hearing officer. Conflicting evidence was presented regarding the issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). It was for the hearing officer, as trier of fact, 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). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was not persuaded by the claimant's testimony or the evidence that she sustained a work-related injury on \_\_\_\_\_; that the alleged injury of \_\_\_\_\_, extends to include her right elbow; and that she had disability. When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). We have reviewed the challenged determinations. 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, supra; In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge