

APPEAL NO. 040534
FILED APRIL 26, 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 11, 2004. The hearing officer determined that: (1) the compensable injury of _____, extends to and includes right carpal tunnel syndrome in addition to the right elbow and right shoulder; and (2) the respondent (claimant) had disability from January 28, 2003, through the date of the hearing. The appellant (carrier) appeals these determinations on evidentiary and legal grounds. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions 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 determinations 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).

The carrier argues that "the claimant could not have disability after October 10, 2003, as the designated doctor certified the claimant at maximum medical improvement [(MMI)] [on] October 10, 2003." We note that the date of MMI has not been resolved in this case. Additionally, we have said that disability may continue even after a claimant reaches MMI, although entitlement to temporary income benefits ends when MMI is reached. See Texas Workers' Compensation Commission Appeal No. 991091, decided July 5, 1999, citing Sections 408.101 and 408.102. Accordingly, we perceive no legal error.

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **ADVANTAGE WORKERS' COMPENSATION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Edward Vilano
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge