

APPEAL NO. 040580
FILED APRIL 29, 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 18, 2004. With respect to the single issue before him, the hearing officer determined that the compensable injury of _____, resulted in the death of (decedent) such that respondent (claimant/beneficiary) is entitled to death benefits. In its appeal, the appellant (carrier) asserts error in that determination. In her response to the carrier's appeal, the claimant/beneficiary urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the decedent's compensable injury of _____, and more specifically, the reasonable and necessary treatment of his compensable injury, resulted in his death. That issue presented 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). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer's determination is supported by the opinion of Dr. G that "within reasonable medical probability, the administration of Bactrim to [decedent], a patient with previously stable advanced liver disease, produced the rapid onset of acute liver failure as a result of an acquired hypersensitivity or idiosyncratic drug reaction, an albeit rare, but well-documented, toxicity of the drug." The hearing officer was acting within his province as the fact finder in crediting Dr. G's opinion and in determining that the claimant/beneficiary sustained her burden of proving that the treatment of the claimant's compensable injury resulted in his death. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **UNIVERSAL UNDERWRITERS OF TEXAS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 330
ONE COMMODORE PLAZA
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge