

APPEAL NO. 040680  
FILED MAY 17, 2004

This appeal on remand arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was initially held on November 19, 2003. The hearing officer determined that the appellant's (claimant) \_\_\_\_\_, compensable injury did not include a left inguinal hernia. The hearing officer's determination was based, in part, on the fact that the claimant was not diagnosed with a left inguinal hernia on September 20, 2000, when he received treatment at (hospital). In Texas Workers' Compensation Commission Appeal No. 033297, decided February 2, 2004, we remanded the case to the hearing officer to consider the hospital records, which reflected under the headings "Clinical Assessment Findings" and "Discharge Impression" that the claimant had a left inguinal hernia. On remand, the hearing officer considered this evidence, found it not to be credible, and issued another decision that the claimant's compensable injury does not include a left inguinal hernia. The claimant appeals this determination. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

Extent of injury was a factual question 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)). The hearing officer was not persuaded by the evidence that the claimant's compensable injury included a left inguinal hernia. Specifically, the hearing officer noted that the medical records from the hospital documenting the presence of a left inguinal hernia on September 20, 2000, were not credible in light of the ultrasound test performed the same day, which revealed "hydrocele bilateral." Additionally, the hearing officer found that the left inguinal hernia was not the naturally flowing result of the injury sustained on \_\_\_\_\_. When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find sufficient evidence to support the decision of the hearing officer. This is so even though another fact finder might have drawn other inferences and reached other conclusions. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

The decision and order of the hearing officer are affirmed.

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

**DOROTHY C. LEADERER  
1999 BRYAN STREET  
DALLAS, TEXAS 75201.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Edward Vilano  
Appeals Judge