

APPEAL NO. 040810  
FILED MAY 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 March 15, 2004. The hearing officer decided that: (1) the appellant/cross-respondent (claimant) sustained a compensable repetitive trauma injury, with a date of injury of \_\_\_\_\_; and (2) the compensable injury extends to include an injury to the right elbow (medial epicondylitis and tendonitis) but does not include an injury to the right shoulder (impingement syndrome, tendonitis, bursitis and/or right shoulder MRI findings of January 8, 2004). The claimant appeals the extent-of-injury determination with regard to the right shoulder, on sufficiency of the evidence grounds. The respondent/cross-appellant (self-insured) urges affirmance of such determination. The self-insured cross-appeals the injury and extent of injury, with regard to the right elbow, on sufficiency of the evidence grounds. The claimant did not file a response.

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 decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **AMERICAN TELEPHONE & TELEGRAPH (a certified self-insured)** 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.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge