

APPEAL NO. 040848
FILED MAY 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on January 29, 2004, and February 17, 2004. With regard to (Docket No. 1), the hearing officer decided that the compensable injury of (date of injury for Docket No. 1), extends to and includes the right shoulder tendonitis but not the cervical spine after (date of injury for Docket No. 2). With regard to (Docket No. 2), the hearing officer decided that the appellant (claimant) did not sustain a compensable injury on (date of injury for Docket No. 2), and did not have disability. The claimant appeals these determinations on sufficiency of the evidence grounds. Respondent 1 (carrier 1) did not file a response. Respondent 2 (carrier 2) 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)). Nothing in our review of the record indicates 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).

Notwithstanding the above, we note that the hearing officer's decision does not terminate the claimant's lifetime medical benefits for the compensable injury of (date of injury for Docket No. 1). See Section 408.021(a); Texas Worker's Compensation Commission Appeal No. 011447, decided August 10, 2001.

The decision and order of the hearing officer is affirmed.

The true corporate name of insurance carrier 1 is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

The true corporate name of insurance carrier 2 is **COMMERCE AND INDUSTRY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica L. Ruberto
Appeals Judge