

APPEAL NO. 040926
FILED JUNE 14, 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 (CCH) was held on March 25, 2004. The hearing officer determined that the respondent's (claimant) compensable injury of _____, extends to and includes an injury to her cervical and thoracic spine, specifically including disc bulges at the C3-4 through C5-6 and T2-3 through T4-5 spinal levels, and that the claimant had disability from February 25, 2003, through the date of the CCH.

The appellant (carrier) appealed, citing medical evidence from its required medical examination (RME) doctor and peer review doctor. The claimant responds, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant, a laborer, sustained a compensable injury on _____, when she raised up from a bending position and hit her head on a protruding valve. The hearing officer recites testimony that the force of the impact caused a dent in the claimant's hardhat. The hearing officer commented that the claimant "was a credible witness."

The carrier contends that the claimant only received a cervical strain/sprain and that the employer's doctor had released the claimant to return to her regular duty job. The carrier relies on the initial employer's doctor report, reports of the carrier's RME doctor, and a peer review doctor. The claimant relies on the reports of the treating doctor, a referral doctor (Dr. M), and to some extent the designated doctor. In evidence are reports of two cervical MRI studies interpreted differently by the doctors.

There was conflicting evidence presented and the disputed 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 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 hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ILLINOIS NATIONAL 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.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge