

APPEAL NO. 041015  
FILED JUNE 9, 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 April 5, 2004. The hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to and include an injury to the right middle finger in the form of a trigger finger, and that the claimant has not had disability for certain claimed periods.

The claimant appealed, contending that her doctors had established a causal relationship between her compensable injury and the trigger finger, and that any preexisting condition had been aggravated by her compensable \_\_\_\_\_ injury. The claimant also contends that the hearing officer erred in excluding one page of one of her exhibits. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

We first address the contention of error in excluding a portion of an exhibit. The carrier objected to the exhibit (a medical report dated September 5, 2003) as not having been exchanged prior to the CCH. The claimant asserted it was part of the carrier's exchange packet which had been exchanged at the benefit review conference (BRC). The carrier's attorney represented that she had been at the BRC, that the particular report had not been in the carrier's packet, and that she had never seen the report prior to the CCH. The hearing officer accepted the carrier's representations and sustained the objection. See Hernandez v. Hernandez, 611 S.W.2d 732 (Tex. Civ. App.-San Antonio 1981, no writ) for the standard to obtain reversal of a judgment based on an evidentiary ruling. We hold the hearing officer did not err in her ruling.

The claimant was employed as a cashier, cashier trainer, and service desk worker, and had had prior carpal tunnel syndrome and trigger finger releases. On the evening of \_\_\_\_\_, the customer service manager directed the claimant to work as a cashier at the front end register over the claimant's objection that either her hand was hurting or that working as a cashier would hurt her hand. How long the claimant worked the cash register is in dispute (the claimant testified it was two hours to the end of her shift; cash register receipts indicated that the claimant worked 28 minutes). The medical evidence was conflicting. One of the doctors the claimant relies on gives a history that the claimant's digit "became stuck in a cash register that she was closing on the \_\_\_\_\_." Another medical report initially fails to mention the trigger finger and only notes a wrist pain. The hearing officer found that the evidence was "insufficient to causally relate" the trigger finger to the compensable injury or that the claimant's preexisting condition was aggravated as a result of the compensable injury.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. This is equally true of 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 acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust.

In that the contention of disability is premised on a finding that the trigger finger is compensable, we likewise affirm the hearing officer's disability determination.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE 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.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge