

APPEAL NO. 041063  
FILED JUNE 28, 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 24, 2004. With regard to the only issue before her the hearing officer determined that the respondent's (claimant) \_\_\_\_\_, compensable injury extends to include left carpal tunnel syndrome (CTS) but does not extend to nor include right CTS.

The appellant (carrier) appeals, contending that the decision regarding the left CTS is against the great weight of the evidence. The claimant responds, urging affirmance. The hearing officer's decision regarding the right CTS has not been appealed and has become final.

DECISION

Affirmed.

The claimant, a new homes salesperson, sustained a compensable injury on \_\_\_\_\_, when she fell forward on her hands. The claimant sought medical attention on March 31, 2000, and the doctor noted numbness and tingling down her left arm. The evidence is conflicting whether this condition resolved or got progressively worse. Another doctor diagnosed possible left upper extremity CTS in a report dated June 19, 2002. Testing and subsequent medical reports establish left CTS. The carrier contends that lack of treatment and medical evidence between November 2000 and June 2002 prove that the claimant's initial left arm complaints had resolved.

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 in favor of 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. Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The true corporate name of the insurance carrier is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION** for **Reliance National Insurance Company, an impaired carrier** and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR  
T.P.C.I.G.A.  
9120 BURNET ROAD  
AUSTIN, TEXAS 78758.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Margaret L. Turner  
Appeals Judge