

APPEAL NO. 041304  
FILED JULY 13, 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 May 3, 2004. The hearing officer determined that the appellant's (claimant) compensable injury sustained on \_\_\_\_\_, does not extend to include internal disc derangement and early desiccation at C3-4, C4-5, C6-7, post-traumatic vertigo, post-traumatic right and left greater occipital nerve neuralgia and/or post-traumatic tinnitus, and that the claimant did not have disability resulting from the injury sustained on \_\_\_\_\_, beginning September 15, 2003, and continuing through the date of the CCH. The claimant appealed the adverse determinations. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable closed head injury and a cervical sprain/strain injury on \_\_\_\_\_. At issue was whether the claimant's compensable injury sustained on \_\_\_\_\_, extends to include internal disc derangement and early desiccation at C3-4, C4-5, C6-7, post-traumatic vertigo, post-traumatic right and left greater occipital nerve neuralgia and/or post-traumatic tinnitus, and whether the claimant had disability resulting from the compensable injury for the period claimed. The claimant testified that her current conditions relate to her compensable closed head injury and cervical sprain/strain injury of \_\_\_\_\_. The issues of the extent of the injury and disability were questions of fact for the hearing officer. Conflicting evidence was presented regarding the issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. In the instant case, the hearing officer was not persuaded by the claimant's testimony and her medical evidence that her compensable injury extends to include internal disc derangement and early desiccation at C3-4, C4-5, C6-7, post-traumatic vertigo, post-traumatic right and left greater occipital nerve neuralgia and/or post-traumatic tinnitus, or that the claimant had disability for the period claimed. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and 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 **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge