

APPEAL NO. 041529
FILED AUGUST 17, 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 June 8, 2004. The hearing officer determined that the respondent's (claimant) compensable injury of _____, includes an injury to the claimant's right hip in the form of a slipped capital femoral epiphysis aggravation.

The appellant (carrier) appeals, contending that the compensable injury is limited to the right inguinal groin strain and that there was no aggravation of the claimant's underlying hip condition. The file does not contain a response from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant, now 54 years old, had right hip surgery, which included placement of metal pins, when he was 14 years old. The parties stipulated that the claimant sustained a compensable injury on _____, as he was stepping out of a van that he had been driving. The claimant was initially diagnosed with a right groin strain. Later testing determined that the claimant will probably need a total right hip replacement. A Texas Workers' Compensation Commission required medical examination doctor stated that the "work injury has aggravated the arthritis in the hip and has caused the symptom aggravation." The carrier argues that symptom aggravation does not amount to "enhancement, acceleration, or worsening of the underlying *condition*" (Emphasis in the original) or an aggravation injury.

There was conflicting medical evidence presented. 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 carrier. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

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.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge