

APPEAL NO. 041554
FILED JULY 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 June 1, 2004. The hearing officer determined that the appellant's (claimant herein) compensable (right forearm bite) injury of _____, does not extend to or include tenosynovitis of the flexor tendons, ulnar nerve syndrome at the Guyon's canal, or synovial cysts (referred to as the claimed conditions), and that the claimant has not had disability.

The claimant appealed, asserting that all the doctors said that she needed medical treatment for her injury and that two of the doctors attribute some or all of the claimed conditions to the compensable injury. The claimant states that she was unable to work from October 22 through December 17, 2003. The respondent self-insured (carrier herein) responds, urging affirmance.

DECISION

Affirmed.

The claimant, an LVN at one of the carrier's facilities, sustained a compensable injury when a patient bit her on the right forearm on _____. The claimant testified she was seen by the physician on call at the facility at the time and that she had swelling, burning, and pain in her right wrist as a result of the bite. The claimant saw her family doctor about a month after the incident and she was referred to another doctor who performed surgery on the claimant's right wrist. The claimant was also examined by a carrier-required medical examination (RME) doctor and a Texas Workers' Compensation Commission RME doctor.

The medical records are in conflict and the treating doctor's progress notes contradict some of the claimant's testimony. In addition to making findings on the claimed conditions the hearing officer determined that the bite did not break the skin and that the bite injury "did not require medical treatment." 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 his 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. 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 **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:

**JONATHAN BOW, 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:

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Robert W. Potts
Appeals Judge