

APPEAL NO. 041574
FILED AUGUST 23, 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 May 28, 2004. The hearing officer resolved the disputed issues by determining that the respondent's (claimant) _____, compensable injury extends to include reflex sympathetic dystrophy (RSD) and that the claimant's impairment rating (IR) cannot be determined because the IR assigned by the designated doctor does not include a rating for RSD.¹ The appellant (carrier) appeals the extent-of-injury determination and asserts that the IR of the designated doctor should be adopted. In his response, the claimant urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

Extent of injury was a factual question for the hearing officer to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record indicates that the hearing officer's extent-of-injury determination is 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). As the carrier's appeal of the IR is predicated on a reversal of the extent-of-injury determination, which we have affirmed, we similarly affirm the determination that the claimant's IR cannot be determined.

¹ There is no IR in evidence that contains a rating for RSD.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**EH
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Chris Cowan
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge