

APPEAL NO. 041594
FILED AUGUST 27, 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 June 9, 2004. The hearing officer determined that: (1) at the time of the injury, the respondent (claimant) was not intoxicated from the introduction of a controlled substance, as defined in Section 401.013, and the appellant (carrier) is not relieved from liability for this claim under Section 406.032(1)(A); (2) the compensable injury of _____, includes an injury to the cervical, thoracic, and lumbar spine, including injury to the C4-5 and L5-S1 intervertebral discs, but does not include injury to any other intervertebral disc or discs or any aggravation, acceleration, or worsening of any preexisting condition at any level other than C4-5 and L5-S1; and (3) the claimant had disability beginning March 13, 2003, and continuing through the date of the hearing. The carrier appeals these determinations on sufficiency of the evidence grounds. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Daniel R. Barry
Appeals Judge