

APPEAL NO. 041718  
FILED SEPTEMBER 7, 2004

This case returns following our remand in Texas Workers' Compensation Commission Appeal No. 040794, decided June 1, 2004, for reconstruction of the record because the audiotape of the hearing was inaudible. A hearing on remand was held on July 2, 2004, where the parties agreed to reconstruct the respondent's (claimant) testimony based on the notes the hearing officer took at the original March 8, 2004, hearing. Following the hearing on remand, the hearing officer reissued his decision where he determined that the claimant's compensable injury of \_\_\_\_\_, extends to and includes a diagnosis of depression. In its appeal, the appellant (carrier) challenges that determination as being against the great weight of the evidence. The appeal file does not contain a response to the carrier's appeal from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of \_\_\_\_\_, includes depression. That issue presented a question 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). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence on the issue of whether the claimant's depression was causally related to her compensable injury. The hearing officer was acting within his province as the fact finder in giving more weight to the evidence tending to demonstrate the causal connection between the claimant's chronic pain from her compensable injury and her depression. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). This is so even though another fact finder may well have drawn different inferences from the evidence and reached a different result. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ACE PROPERTY & CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200  
IRVING, TEXAS 75063.**

---

Elaine M. Chaney  
Appeals Judge

CONCUR:

---

Daniel R. Barry  
Appeals Judge

---

Robert W. Potts  
Appeals Judge