

APPEAL NO. 042008
FILED SEPTEMBER 22, 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 jointly for two claims on July 8, 2004. The hearing officer wrote two separate Decisions and Orders for each claim. With regard to this claim, (Docket No. 1), the hearing officer determined: (1) that the appellant (claimant) sustained a compensable injury on _____; and (2) that the claimant's compensable injury of _____, extends to and includes a left ankle sprain/strain and lumbar sprain/strain, but does not extend to nor include a left hip sprain/strain, left hip bursitis, lumbosacral spine segmental syndrome, or a left knee sprain/strain. The claimant appealed, disputing that portion of the extent-of-injury determination that was adverse to her on sufficiency of the evidence grounds. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in his extent-of-injury determination. The claimant had the burden of proof on this issue and it presented a question of fact for the hearing officer. There was conflicting evidence presented on the disputed issue. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). As such, the hearing officer was required to resolve the conflicts and inconsistencies in the evidence and to determine what facts the evidence established. In this instance, while the hearing officer was persuaded that the claimant sustained her burden of proving that her compensable injury included a left ankle sprain/strain and lumbar sprain/strain, he was not persuaded that the claimant sustained her burden of proving that the compensable injury included a left hip sprain/strain, left hip bursitis, lumbosacral spine segmental syndrome, and left knee sprain/strain. The hearing officer was acting within his province as the finder of fact in so finding. Nothing in our review of the record reveals that the challenged determination is so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

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

Veronica L. Ruberto
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge