

APPEAL NO. 042066  
FILED OCTOBER 15, 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 July 12, 2004. The hearing officer determined that the appellant's (claimant) compensable injury does not extend to include facet arthropathy, cervical canal stenosis, foraminal stenosis, depression, cervical facet syndrome/arthropathy, left rotator cuff tear, and left shoulder impingement (referred to collectively as the claimed conditions), and that the claimant has not had disability for the claimed period from November 13, 2003, through the CCH.

The claimant appeals, citing certain medical reports that she believes support her position and attaching some of her exhibits from the CCH. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant, an overnight cashier, sustained a compensable injury on \_\_\_\_\_, lifting a carton that broke out of a basket. The carrier accepted a back and left shoulder strain. The hearing officer, in the Background Information section of his decision, summarizes in some detail the claimant's treatment and progress with a number of doctors. There was conflicting medical evidence from a carrier-required medical examination doctor and a peer review doctor.

The questions of extent of injury and whether the claimant had disability, presented 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). 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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge