

APPEAL NO. 042166
FILED OCTOBER 13, 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 August 18, 2004. The hearing officer resolved the disputed issue by deciding that the compensable injury sustained on _____, does not extend to and include the bilateral upper extremities, bilateral shoulders, and the cervical spine. The appellant (claimant) appealed on sufficiency of the evidence grounds. The respondent (carrier) responded that there is sufficient evidence to support the challenged extent-of-injury determination.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. At issue was whether the compensable injury extended to include injury to the bilateral upper extremities, bilateral shoulders, and the cervical spine. The extent-of-injury issue presented a question of fact for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co. of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In this instance, the hearing officer noted that the claimant's testimony was not credible that the mechanism of injury caused any damage other than the injury to her left thumb. Nothing in our review of the record reveals 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 or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **EMPLOYERS INSURANCE OF WAUSAU, A MUTUAL COMPANY** and the name and address of its registered agent for service of process is

**RICK KNIGHT
105 DECKER COURT, SUITE 600
IRVING, TEXAS 75062.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge