

APPEAL NO. 042365
FILED NOVEMBER 4, 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 September 7, 2004. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of _____, does not include an injury to the claimant's cervical spine, a closed head injury, post concussion disorder, traumatic narcolepsy, or cognitive impairment. The claimant appeals the hearing officer's determination on the issue of the extent of her compensable injury. The claimant also contends that the Texas Workers' Compensation Commission (Commission) did not have jurisdiction to hear her case and that venue was not proper in the Commission field office where the CCH was held. The respondent (carrier) responds that the evidence supports the hearing officer's decision.

DECISION

Affirmed.

The parties stipulated that venue was proper in the Commission field office where the CCH was held. See Section 410.166 regarding the binding effect of oral stipulations preserved in the record. No complaint regarding jurisdiction was made at the CCH and the claimant offers no reason in her appeal for asserting that the Commission did not have jurisdiction. The claimant has not shown error with regard to venue or jurisdiction.

The issue regarding the extent of the claimant's compensable injury involved a factual determination to be made by the hearing officer from the evidence presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination against the claimant on the issue of the extent of the compensable injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

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.**

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge