

APPEAL NO. 032652  
FILED NOVEMBER 26, 2003

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 September 18, 2003. The hearing officer determined that: (1) the compensable injury of \_\_\_\_\_, does not extend to include a compression fracture of the thoracic spine at the T8-T9 level; (2) the appellant (claimant) had disability from May 7, 2002, through the date of this hearing; (3) the employer did not tender a bona fide offer of employment to claimant on May 13, 2002; and (4) the claimant was entitled to change treating doctors to Dr. P. The claimant appealed the hearing officer's extent-of-injury determination based on sufficiency of the evidence grounds. The appeal file does not contain a response from the respondent (carrier). The hearing officer's disability, bona fide offer of employment, and change of treating doctors determinations were not appealed and have become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, does not extend to include a compression fracture of the thoracic spine at the T8-T9 level. The determination involved 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer 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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Edward Vilano  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Margaret L. Turner  
Appeals Judge