

APPEAL NO. 192018  
FILED DECEMBER 19, 2019

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 23, 2019, with the record closing on October 1, 2019, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the compensable injury sustained on January 3, 2018, extends to post-concussive headaches and post-concussion syndrome; (2) the compensable injury of January 3, 2018, does not extend to cognitive impairment, depression, blurred vision, and bilateral tremors; (3) the appellant (claimant) reached maximum medical improvement (MMI) on May 30, 2018; and (4) the claimant's impairment rating (IR) is zero percent. The claimant appealed, disputing the ALJ's determinations of extent of injury that were not favorable to him, MMI, and IR. The respondent (carrier) responded, urging affirmance of the disputed extent of injury, MMI, and IR determinations. The ALJ's determination that the compensable injury extends to post-concussive headaches and post-concussion syndrome was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed as reformed.

The parties stipulated, in part, that the carrier has accepted a January 3, 2018, compensable injury in the form of a concussion and sprains/strains to the cervical, left shoulder, thoracic, and lumbar. The claimant testified that he was injured when he hit his head on the chute of a cement truck and fell, hitting his head on the ground.

The Benefit Review Conference (BRC) Report listed the disputed extent-of-injury issue as follows: Does the compensable injury of January 3, 2018, extend to post-concussive headaches, post-concussion syndrome, cognitive impairment, depression, blurred vision, and bilateral hand tremors? The parties agreed at the CCH on the record that the disputed extent-of-injury issue was as listed in the BRC report. The ALJ inadvertently omitted the word "hand" throughout his decision when referencing bilateral tremors. We reform Finding of Fact No. 3, Conclusion of Law No. 3, the decision and order section on page 1, and the decision to include "hand" between bilateral and tremors.

The ALJ 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. *Texas Employers Insurance Association v. Campos*, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appellate reviewing tribunal, the

Appeals Panel will not disturb challenged factual findings of an ALJ absent legal error, unless they are 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); *In re King's Estate*, 150 Tex. 662, 244 S.W.2d 660 (1951).

The ALJ's determination that the compensable injury of January 3, 2018, does not extend to cognitive impairment, depression, blurred vision, and bilateral hand tremors is supported by sufficient evidence and is affirmed as reformed.

The ALJ's determination that the claimant reached MMI on May 30, 2018, is supported by sufficient evidence and is affirmed.

The ALJ's determination that the claimant's IR is zero percent is supported by sufficient evidence and is affirmed.

The true corporate name of the insurance carrier is **BRIDGEFIELD CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-4234.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge