

APPEAL NO. 000471

On February 9, 2000, a contested case hearing (CCH) was held. The CCH was held under the provisions of the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). The hearing officer resolved the disputed issue by deciding that respondent (claimant) sustained an injury to her neck, in addition to her lower back, on \_\_\_\_\_. Appellant (carrier) appeals the hearing officer's decision. No response was received from claimant.

DECISION

Affirmed.

Claimant testified that while she was working for employer on \_\_\_\_\_, a stack of boxes of merchandise fell on her and knocked her to the floor. Claimant began treating with Dr. S on September 22, 1998, and he diagnosed an acute lumbar strain and contusion. It is undisputed that claimant sustained a compensable lower back injury. The issue before the hearing officer was whether claimant also sustained an injury to her neck on \_\_\_\_\_. Claimant said that she complained to Dr. S about her neck within two weeks of first seeing him; however, Dr. S wrote that claimant did not complain of cervical pain until December 29, 1998. Dr. S also wrote that there is a medical probability that claimant's neck complaints are related to the injury of \_\_\_\_\_. Claimant changed treating doctors to Dr. A in January 1999 and Dr. A noted complaints of neck and lower back pain and that an MRI showed a compression fracture at T10. In February 1999, Dr. A reported that claimant was at maximum medical improvement (MMI) and assigned her a seven percent impairment rating (IR) for impairment of her lumbar spine. A cervical x-ray report of July 1999 notes degenerative arthritic changes. Dr. F, the designated doctor, reported that claimant reached MMI on June 22, 1999, with a five percent IR, apparently for impairment of the lumbar spine. Claimant changed treating doctors to Dr. P, D.C., who wrote that claimant suffers from cervical vertebral subluxation and that in Dr. P's opinion, that condition was caused by the \_\_\_\_\_, accident. Dr. P also wrote that claimant's neck condition was caused by the accident in \_\_\_\_\_ when the boxes fell on her.

Claimant had the burden to prove the extent of her compensable injury. The hearing officer found that claimant sustained an injury to her neck, in addition to an injury to her low back, on \_\_\_\_\_, while in the course and scope of her employment and concluded that claimant sustained an injury to her neck, in addition to her lower back, on \_\_\_\_\_. 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 conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Robert W. Potts  
Appeals Judge

CONCUR:

Philip F. O'Neill  
Appeals Judge

Judy L. Stephens  
Appeals Judge