

APPEAL NO. 000551

On February 18, 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-s (claimant) degenerative disc disease, including small disc bulges at L4-5 and L5-S1, are related to and/or caused, in part, by her compensable lower back injury of \_\_\_\_\_. Appellant (carrier) requests that the hearing officer-s decision be reversed and that a decision be rendered in its favor. No response was received from claimant.

DECISION

Affirmed.

It is undisputed that claimant sustained a lower back injury while in the course and scope of her employment on \_\_\_\_\_. Claimant said that on that day her back popped when assisting a patient into bed. According to the parties, the outcome of the spinal surgery process was favorable to claimant and she had a lumbar fusion at L5-S1 in December 1999. It appears to us that the extent-of-injury issue should have been pursued prior to the final outcome of the spinal surgery process. The hearing officer provides an extensive review of the medical evidence in his decision. We note that Dr. H, claimant-s treating doctor and surgeon, opined in July 1999 that claimant-s current back problem is not a new injury but is a progression of her injury of \_\_\_\_\_, and noted in December 1999 that only the discogram done in July 1999 could localize the pain to the L5-S1 disc. We conclude that the hearing officer-s findings, conclusion, and decision in favor of claimant on the disputed issue are supported by sufficient evidence and that they are 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:

Judy L. Stephens  
Appeals Judge

Dorian E. Ramirez  
Appeals Judge