

APPEAL NO. 001878

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 July 25, 2000. The hearing officer determined that the _____, compensable injury of the respondent (claimant) included the neck. Appellant (carrier) appealed the hearing officer's determinations on sufficiency grounds. The file does not contain a response from claimant.

DECISION

We affirm.

Carrier contends the hearing officer erred in determining that claimant's compensable injury extended to his neck. Carrier asserts that: (1) any "neck pain" was really pain radiating from claimant's head; (2) there is no medical evidence documenting a neck injury; and (3) claimant's injury was to his head only.

The hearing officer summarized the facts in the decision and order. It was undisputed that claimant sustained a head injury. Briefly, claimant testified that on _____, when he raised up after bending over, he hit the top of his head on a piece of machinery. Claimant said that when he saw a doctor, he told them he also hurt his neck. Medical records from Dr. B state that claimant had pain with cervical motion and compression and that "muscle spasms were noted in the cervical spine."

The applicable law regarding extent of injury and our appellate standard of review are set forth in Texas Workers' Compensation Commission Appeal No. 000973, decided June 12, 2000. In this case, the hearing officer weighed the evidence and determined that claimant's injury extended to his neck. The matters carrier raises in its brief involved credibility and fact issues, which the hearing officer resolved. The hearing officer considered claimant's testimony and the medical records and determined what facts were established. We conclude that the hearing officer's determination regarding extent of injury is not so against the great weight and preponderance of the evidence as to be wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Kenneth A. Huchton
Appeals Judge

Thomas A. Knapp
Appeals Judge