

APPEAL NO. 002087

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 August 3, 2000. With regard to the issues before him, the hearing officer determined that the appellant (claimant) suffered a minor, work-related injury (heat exhaustion) on _____ (all dates are 1999) and did not have any disability.

The claimant appeals, contending that he "also complained of low back pain," that his back pain "never resolved," and that he "was taken off work for 10 days and then . . . was put on sedentary light duty." The claimant requests that we reverse the hearing officer's decision and render a decision in his favor. The respondent (carrier) responds, referencing the _____ heat exhaustion claim and urging affirmance.

DECISION

Affirmed.

This case is slightly complicated by the fact that the claimant is asserting a _____ heat exhaustion claim and another separate _____ back injury sustained in a motor vehicle accident. The hearing officer was very clear in keeping the two claims separate and this docket number and appeal relates only to the _____ claim.

The claimant was working a 12-hour shift on an assembly line process making pipe when he contends that he suffered heat exhaustion. The claimant was seen at a medical center emergency room on _____ for vertigo, given an IV, and instructed to drink lots of fluids. The claimant was apparently subsequently seen by an occupational clinic on September 20 for "rectal pain and bleeding" and again complained of the _____ heat exhaustion, which the claimant alleged caused constipation. The claimant returned to the occupational clinic on September 23 complaining of lumbar back pain which "began when he was constipated."

The claimant's attorney at the CCH specifically stated that no claim is being made for a neck or back injury due to the _____ heat exhaustion. The claimant, in his pro se appeal, refers only to low back pain (which was contrary to his testimony regarding the _____ injury) and that he was taken off work for 10 days. While the occupational clinic notes do reference the claimant being given physical therapy and told to remain off work until September 27 there is neither testimony nor medical evidence that it was due to the heat exhaustion of _____ and in fact the claimant's attorney asserted that any back complaints were not associated with the _____ heat exhaustion.

We find the hearing officer's decision to be supported by the evidence.

Upon review of the record submitted, we find no reversible error. We will not disturb the hearing officer's determinations unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. In re King's Estate, 150

Tex. 662, 244 S.W.2d 660 (1951). We do not so find and, consequently, the decision and order of the hearing officer are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Judy L. Stephens
Appeals Judge