

APPEAL NO. 002718

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 November 7, 2000. The hearing officer determined that the _____, compensable hernia injury of the appellant (claimant) did not include the lumbar spine and that he did not have disability from June 3, 2000, to the date of the hearing. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant appeals the determinations regarding extent of injury and disability on sufficiency grounds. In his brief, claimant asserts that he began experiencing back pain shortly after the _____, hernia injury; that he began treating with Dr. M; and that Dr. M "diagnosed a back disorder and opined that it was caused by ilio-inguinal and genito-femoral 'nerve irritation for a long period of time.'" Dr. M did indicate that claimant could be experiencing pain from irritated lumbar nerves while Dr. G noted that claimant needed testing to rule out scarring or a recurrent hernia. However, the credibility of the evidence was a matter for the hearing officer to consider in making his determinations. The hearing officer discussed claimant's burden of proof and stated that the credible evidence did not support a determination that claimant also injured his lumbar spine. After reviewing the record, we conclude that these determinations are not 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).

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge