

APPEAL NO. 010151

This appeal after remand 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 September 7, 2000. In her first decision, the hearing officer determined that the \_\_\_\_\_, compensable injury of the appellant (claimant) did not include "current neck problems consisting of herniated discs and pain." Claimant appealed this determination on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order. The Appeals Panel remanded for reconsideration of the evidence. Texas Workers' Compensation Commission Appeal No. 002402, decided November 20, 2000. After remand, the hearing officer held another hearing on December 15, 2000. After remand, the hearing officer issued a decision and again determined that the compensable injury did not include "current neck problems consisting of herniated discs and pain." Claimant again appeals on sufficiency grounds. Carrier responds that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's 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.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Susan M. Kelley  
Appeals Judge